

STAFF REPORT
January 22, 2009

No. 08SV058 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer along Bradsky Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 57

GENERAL INFORMATION:

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| APPLICANT | Shane Geidel |
| AGENT | Renner & Associates |
| PROPERTY OWNER | Shane Geidel |
| REQUEST | No. 08SV058 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer along Bradsky Road as per Chapter 16.16 of the Rapid City Municipal Code |
| EXISTING LEGAL DESCRIPTION | Lot 1 of Jundt Subdivision, located in the W1/2 of the NW1/4, Section 33, T1N, R9E, BHM, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots 1A, 1B, and 1C of Jundt Subdivision, located in the W1/2 of the NW1/4, Section 33, T1N, R9E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 40 acres |
| LOCATION | 23410 Bradsky Road |
| EXISTING ZONING | General Agriculture District (Pennington County) |
| SURROUNDING ZONING | |
| North: | General Agriculture District (Pennington County) |
| South: | General Agriculture District (Pennington County) |
| East: | General Agriculture District (Pennington County) |
| West: | General Agriculture District (Pennington County) |
| PUBLIC UTILITIES | Private water and sewer |
| DATE OF APPLICATION | 12/3/2008 |
| REVIEWED BY | Travis Tegethoff / Mary Bosworth |

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

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install curb, gutter, pavement, sidewalk, street light conduit, water and sewer along Bradsky Road as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Layout Plat to create three lots ranging in size from approximately 10.1 acres to approximately 19.8 acres.

STAFF REVIEW:

Staff has reviewed the Variance to the Subdivision Regulations request and has noted the following considerations:

Bradsky Road: Bradsky Road is located along the western lot line of the property and is classified as a proposed minor arterial on the Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way. The developer is responsible for constructing the arterial street to a collector street standard. Any expansion of the road beyond a collector street standard is considered over sizing and is not the developer's responsibility. Currently, Bradsky Road is located in a 66 foot wide right-of-way with an approximate 24 foot wide paved surface with no curb, gutter, water, sewer, street light conduit or sidewalks. The applicant has requested a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16 of the Rapid City Municipal Code. As previously indicated, Bradsky Road is an approximate 24 foot wide paved surface with no curb, gutter, street light conduit. Providing additional pavement width and constructing these improvements would create a discontinuous street section. Staff is recommending that the associated Layout Plat (#08PL177) be denied without prejudice to allow the applicant to resolve the zoning issue with Pennington County and to allow the applicant to submit the required information. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement curb, gutter, sidewalk and street light conduit along Bradsky Road as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

Water: The applicant has indicated that a private water system would be developed to serve the property. However, the applicant has not submitted plans demonstrating the location and adequate capacity of the proposed water system. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16 of the Rapid City Municipal Code along Bradsky Road be denied without prejudice.

Sewer: The property is located in the Tier 2 Service Area of Rapid City and to date no Master Utility Plan has been established for that area. The applicant is proposing to serve the lot with an on-site wastewater disposal system. However, the applicant has not demonstrated that the soils of the property are suitable for on-site wastewater disposal systems. As such,

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ITEM 57

staff recommends that the Variance to the Subdivision Regulations waving the requirement to install sewer as per Chapter 16 of the Rapid City Municipal Code along Bradsky Road be denied without prejudice.

Legal Notification: The receipts from the certified mailing have been returned. Staff has not received any inquiries regarding this request.

Staff is recommending that the associated Layout Plat (#08PL177) be denied without prejudice to allow the applicant to resolve the zoning issues with Pennington County and to allow the applicant to submit the required information. As such, staff is recommending that this Variance to the Subdivision Regulations be denied without prejudice in conjunction with the associated Layout Plat.