

STAFF REPORT
January 6, 2011

No. 10SV026 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and additional pavement and waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Susan Lykken
AGENT	Renner & Associates, LLC
PROPERTY OWNER	Susan and John Lykken
REQUEST	No. 10SV026 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and additional pavement and waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 27 and 28 of Block 2 of Springbrook Acres, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 27R and 28R of Block 2 of Springbrook Acres
PARCEL ACREAGE	Approximately 1.875 acres
LOCATION	2727 & 2735 Jenny Gulch Road
EXISTING ZONING	Mobile Home Residential District
SURROUNDING ZONING	
North:	Mobile Home Residential District
South:	Mobile Home Residential District
East:	Mobile Home Residential District
West:	Mobile Home Residential District
PUBLIC UTILITIES	City water and private septic
DATE OF APPLICATION	12/7/2010
REVIEWED BY	Jim Flaaen / Karley Halsted

RECOMMENDATION:

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

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install curb, gutter, and additional pavement be approved with the following stipulation:

1. Prior to City Council approval, that applicant shall sign a waiver of right to protest any future assessment for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to provide additional right-of way be approved with the following stipulation:

1. Prior to Planning Commission approval, the applicant shall submit a revised plat document dedicating the portion of the private access and utility easement on their property as public right-of-way; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be denied.

If the Planning Commission determines it is appropriate to grant the Variance waiving the requirement to install sewer, including dry sewer, then the applicant shall sign a waiver of right to protest any future assessment for the improvement as a stipulation of approval of the Subdivision Variance.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, provide additional pavement and waive the requirement to provide additional right-of-way along Jenny Gulch Road adjacent the properties to the east. In addition, the applicant has submitted a Layout Plat application (#10PL093) to relocate the common boundary between the two existing lots. The revised lots are to be known as Lots 27R and 28R of Block 2 of Springbrook Acres.

The properties are located at 2727 Jenny Gulch Road and 2735 Jenny Gulch Road, on the west side of Jenny Gulch Road, east of Nugget Gulch Road, north of Catron Boulevard. A manufactured single family residence and garage are located on the proposed Lot 27R. A single family residence and shed are located on the proposed Lot 28R.

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

Jenny Gulch Road: Jenny Gulch Road is located adjacent to the properties to the east and is identified as a Collector Street on the Major Street Plan. A Collector Street requires a minimum 60 feet of right-of-way and constructed to a minimum of 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. Jenny Gulch Road is currently located within a 66 foot wide private access easement and constructed with an approximately 22 foot wide paved surface and a water main.

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In the past, the Planning Commission and City Council have granted similar Variance requests when the proposed plat did not result in any increase in density and when the street improvement would create a discontinuous street section, as is the case with this Layout Plat. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and additional pavement be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement prior to City Council approval.

In consideration of platting the property as proposed, a minimum 60 feet of right-of-way must be dedicated for Jenny Gulch Road. Obtaining the right-of-way at the time of platting the adjacent lots will allow for the future widening of the street to provide additional lanes, parking, utilities, etc. without requiring that the tax payers purchase the right-of-way in the future if the improvements are needed. As previously noted, Jenny Gulch Road is located in a 66 foot wide private access easement. The western 33 feet of the easement is located on the applicant's properties and the eastern 33 feet is located on the adjacent properties, which are not owned by the applicant. As such, the applicant cannot dedicate the eastern portion of the right-of-way as required. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate 60 feet of right-of-way for Jenny Gulch Road be approved with the stipulation that the western 30 feet of right-of-way be dedicated.

Sidewalk: This is a residential area requiring that pedestrian access be provided outside of the street. In addition, it has been the position of the City Council that a sidewalk be provided as a part of the development of a site to insure pedestrian safety within our community. In order to provide a place for pedestrians to walk and to provide a safe place for children to play outside of the street, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide sidewalk be denied. The applicant should be aware that the sidewalk must be shown on the construction plans; however, it is not required to be built as a part of the subdivision improvements. Instead, the sidewalk is required to be constructed at the time a Building Permit is issued for a new building on the property.

Sewer: Chapter 16.16.050 of the Rapid City Municipal Code states that "sewer collection systems shall be installed in each subdivision within Rapid City and surrounding platting jurisdictions in accordance with City specifications". The applicant has indicated that the proposed Lots 27R and 28R will be served by existing individual septic tanks and drainfields. An On-site Wastewater Permit was issued by the City on June 1, 2010 for both properties.

The Rapid City's Master Utility Plan identifies the property within "Tier One" which implies that the area is an anticipated near term development project in lieu of a long range development project. The Source Water Protection Study recommends the installation of dry sewer mains in accordance with the adopted City Standards within Tier One rather than

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approving Variances to waive the requirement to insure connection to a central sewer system once the adjacent properties develop and the dry sewer can be connected to the City's system. However, the Planning Commission and the City Council have granted similar Variance requests to waive the requirement to connect to a community sewer system and/or to provide a dry sewer system for other properties located within Tier One when there has been no existing sewer system located within the area to provide a timely connection. The closest existing sewer main is located approximately 1,140 feet south and east of the property within the Nugget Gulch Road right-of-way. As such, if the Planning Commission determines it is appropriate to grant the Variance waiving the requirement to install sewer, including dry sewer, then it is recommended that the applicant sign a waiver of right to protest any future assessment for the improvement as a stipulation of approval of the granting of the Subdivision Variance.

Notification Requirement: As of this writing, the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the January 6, 2011 Planning Commission meeting if this requirement has not been met.