



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

## Public Works Department Engineering Services Division

300 Sixth Street

Telephone: (605) 394-4154 FAX: (605) 355-3083

Web: [www.rcgov.org](http://www.rcgov.org)

TO: Public Works Committee

FROM: Nicole Lecy, Project Engineer

DATE: February 19, 2013

RE: Appeal of Denial of Request for an Exception to provide 37.5' wide easement in lieu of 50' wide easement and to provide 12' wide pavement in lieu of 20' wide pavement for an access easement.

Layout Plan Application (City File #13PL005) to create Lot AR-1 of Lot 4R, Lot AR-2 of Lot 4R and Lot 5R-1 of Block 15 of Canyon Lake Heights Subdivision, Section 8, T1N, R7E and Section 9, T1N, R7E, Rapid City, Pennington County, South Dakota.

A request was submitted by Sperlich Consulting, on behalf of Matt Benne, on January 18, 2013 requesting an exception to Figure 2-1 in the City of Rapid City Infrastructure Design Criteria Manual (IDCM) to dedicate 37.5' wide easement with a 12' pavement section in lieu of 50' wide easement with a 20' pavement section for an access easement to serve three single family lots for the referenced project. The exception request was denied by Staff on February 4, 2013. Per Section 16.04.060 of the Rapid City Municipal Code, the applicant has filed a written request of appeal to the City Council for the denial of this exception request, received by Staff on February 11, 2013.

Waiving the requirement to install additional easement width within the access easement was denied. Previous subdivision variance request (City File #09SV007) for the same private roadway easement to reduce the easement width from 45' to 30' to provide access to two single family lots was denied by City Council on June 1, 2009. At that time only one property encompassing the easement was being platted, so only half (an additional 7.5') of the additional required easement was dedicated, for a total easement width of 37.5'. The current City standards in the IDCM Figure 2-1 require an easement width a minimum of 50' for a lane/place street. The proposed layout plat (City File #13PL005) includes platting properties encompassing the entire easement; therefore the entire easement width shall be dedicated. Denial of the exception for easement width is consistent with the City Council's

previous determination for the private roadway easement. A minimum easement width of 50' shall be provided per the current City standards in the IDCM Figure 2-1.

Waiving the requirement to install additional pavement width within the access easement was denied. Staff denied the exception request, based on the City Council meeting minutes for June 1, 2009 from the previous subdivision variance request (City File #09SV007) for the same private roadway easement to provide access to two single family lots, which stated to "*deny in part as per Planning Commission's recommendations.*" Planning Commission's recommendations from the March 26, 2009 meeting stated "*The variance to the Subdivision Regulations to reduce the pavement width from 20' to 12' along the 30' wide private roadway easement be denied.*"

After viewing the Planning Commission meeting video from March 26, 2009, it was discovered that the meeting minutes did not accurately reflect Planning Commission's recommendation. Planning Commission had recommended "*Approval with the stipulations as noted in the Staff Report with the exception that the Variance to provide additional pavement width in the easement be approved.*"

The previous subdivision variance (City File #09SV007) request was made for the same private roadway easement. Although the previous variance request waived the requirement to provide additional pavement for access to two residential dwelling units, the applicant is proposing to increase the density and utilize the access easement to provide access to three residential dwelling units (City File #13PL005). Based on providing access to three residential dwelling units and insufficient fire flow available to support additional development, Staff does not support a reduced pavement width within the access easement. A minimum pavement width of 20' shall be provided per the current City standards in the IDCM Figure 2-1.

**Staff Recommendation: Staff recommends denial of the request to dedicate 37.5' wide easement and provide 12' of pavement width within the access easement. A minimum easement width of 50' and a minimum pavement width of 20' shall be provided per the current City standards in the IDCM Figure 2-1.**