

STAFF REPORT

May 23, 2002

No. 02SV023 - Variance to the Subdivision Regulations to waive the requirement to install a water main ,sewer, curb and gutter and sidewalk in Heidiway Lane adjacent to the proposed Dunham Estates Subdivision

ITEM 49

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for George and Nancy Dunham
REQUEST	No. 02SV023 - Variance to the Subdivision Regulations to waive the requirement to install a water main, sewer, curb and gutter and sidewalk in Heidiway Lane adjacent to the proposed Dunham Estates Subdivision
EXISTING LEGAL DESCRIPTION	The unplatted portions of the E1/2 NE1/4 SE1/4, the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 through 4 of Block 3, Lots 1 through 3 of Block 4 and Lots 1 through 11 of Block 5 of Dunham Estates and dedicated public right of way shown as Dunham Drive, Dixon Court, Severson Street and Heidiway Lane located in NE1/4 SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 118.3 acres
LOCATION	West of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Agriculture District
East:	Park Forest District/Low Density Residential District
West:	Low Density Residential District /Planned Residential Development
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	04/26/2002
REPORT BY	Lisa Seaman

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install a water main within the Heidiway Lane right of way north of the intersection of Dunham Lane and Heidiway Lane be denied and the Variance to the Subdivision Regulations to waive the requirement for a water main south of the intersection of Heidiway Lane and Dunham Lane, sanitary sewer, curb and gutter and sidewalk on Heidiway Lane adjacent to the proposed Dunham Estates Subdivision be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval of the Subdivision Regulations Variance, the plat shall be revised to include a non-access easement along the east property line of Lot 1 of Block 4 or the water main shall be constructed along Heidiway Lane to the north property line of Lot 1 of Block 1; and,

Urban Planning Division Recommendations:

2. Prior to City Council approval of the Subdivision Regulations Variance, the applicant shall sign a waiver of right to protest an assessment district for Lot 1 of Block 3 and Lot 1 and 2 of Block 4.

GENERAL COMMENTS: This Subdivision Regulations Variance request is the companion item to the Preliminary and Final Plat request for Lots 1 through 4, Block 3 and Lots 1 through 3, Block 4 and Lots 1 through 11, Block 5 of Dunham Subdivision (see companion item #02PL039). The property is located east of the Parkridge Village development and north of Corral Drive. The Preliminary and Final Plat request associated with this Subdivision Regulations Variance request has been submitted to subdivide an approximately 20 acre site into 18 lots.

A portion of the Heidiway Lane right of way abuts the subject property and has not been improved to City standards. Sidewalks, curb and gutter, street lights, water and sanitary sewer service have not been constructed anywhere within the Heidiway Lane right of way.

STAFF REVIEW: Staff has reviewed this proposed Subdivision Variance request and has noted the following considerations:

Water Main Improvements: The applicant has requested a variance to the Subdivision Regulations to waive the requirement to install a water main in the Heidiway Lane right of way where it abuts the subject property. Future phases to the north of the subject property will be served by the water main installed within the Heidiway Lane right of way. The exclusion of the water main within the Heidiway Lane right of way at this time may create a hardship and delays for future development by the applicant or another developer in the event the property is transferred. Staff recommends that the request to waive the installation of water main within the Heidiway Lane right of way where it abuts the subject

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property from the intersection of Heidiway Lane and Dunham Lane north be denied.

However, the water main installed within the Heidiway Lane right of way south of the intersection of Dunham Lane and Heidiway Lane will only serve one property (Lot 1 of Block 4) and that property could be served by the water main proposed within the Severson Street right of way. Lot 1 of Block 4 is a large lot with frontage on both Severson Street and Heidiway Lane. A building constructed in close proximity to Heidiway Lane will result in a water service line traversing several hundred feet to provide service from a water main in Severson Street. Staff recommends approval of the variance to waive the requirement to install the water main in the Heidiway Lane right of way south of the intersection of Heidiway Lane and Severson Street if the applicant revises the plat to include a non-access easement along the east line of Lot 1 of Block 4 where it abuts the Heidiway Lane right of way.

Heidiway Lane Improvements: Currently, none of the Heidiway Lane right of way has curb and gutter, sanitary sewer, street light conduit or sidewalks. The Engineering Division has indicated that if the road is paved to a rural road standard including gravel shoulders with a ditch to accommodate drainage, then curb and gutter is not required to accommodate storm water runoff and drainage. Staff recommends approval of the Variance to the Subdivision Regulations waiving the installation of curb and gutter, sanitary sewer, street light conduit or sidewalks with the provision that the applicant sign a Waiver of Right to Protest future assessments for the required improvements.

The receipts from the required certified mailing have been returned by the applicant. Staff has received several calls regarding the requested Subdivision Regulations Variance and Preliminary and Final Plat request. The callers expressed concern with the applicant's proposal to provide exclusive access to Phase 2 of the subdivision from Heidiway Lane.