

STAFF REPORT

July 3, 2002

No. 02SV028 - Variance to the Subdivision Regulations to waive the requirement for paving, curb, gutter, sidewalks, street light conduit, dry sewer and water for the access easement(s) and to waive the requirement for curb, gutter, sidewalks, street light conduit, dry sewer and water along West Highway 44

ITEM 21

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Eng. for Thomas Lee
REQUEST	No. 02SV028 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, paving, street light conduit, dry sewer and water for the access easement(s) and to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry sewer and water along West SD Highway 44 as per Chapter 16.16 of the Municipal Code and a Variance to the Subdivision Regulations to allow lots twice as long as they are wide as per Chapter 16.12 of the Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2A and 2B of Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County
PARCEL ACREAGE	Approximately 10.00 acres
LOCATION	6905 West S.D. Highway 44
EXISTING ZONING	Limited Agriculture District (County)
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	Limited Agriculture District (County)
East:	Limited Agriculture District (County)
West:	Limited Agriculture District (County)
PUBLIC UTILITIES	Private wells and on-site wastewater systems

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DATE OF APPLICATION 06/07/2002

REPORT BY Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow lots twice as long as wide be approved and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, dry sewer and water for the access easement(s) and West S. D. Highway 44 be approved with the condition that the applicant sign an agreement to consent to a future assessment project for the improvements and that the Variance to the Subdivision Regulations to waive the requirement for paving the access easement(s) be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, paving, dry sewer and water for the two access easement(s) located on the property. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, dry sewer and water along West S. D. Highway 44 as it abuts the subject property. The applicant has also submitted a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide.

The applicant has also submitted a Preliminary and Final Plat to subdivide the subject property into two lots. (See companion item #02PL061.) The lots will be 4.28 acres and 5.72 acres in size, respectively, and will be known as Lots 2A and 2B of Rimrock Ranch Subdivision. Currently, a single family residence is located on proposed Lot 2B.

On January 25, 2002, the applicant submitted a Preliminary and Final Plat request to subdivide the subject property as currently proposed. In addition, the applicant submitted a Variance to the Subdivision Regulations to waive the same requirements as currently requested. On March 4, 2002, the City Council approved the Variance to the Subdivision Regulations with the stipulation that the applicant sign an agreement to consent to a future assessment project for the improvements and that the access easement(s) be paved. The applicant subsequently requested that the City Council acknowledge his request to withdraw the Preliminary and Final Plat due to pending rezoning issues with the Pennington County Board of Commissioners. On May 21, 2002, the Board of Commissioners approved a rezoning request of the subject property from Limited Agriculture District to Low Density Residential District. The applicant has, subsequently, resubmitted a Preliminary and Final Plat request and a Variance to the Subdivision Regulations as outlined above to again be considered by the City.

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A forty foot wide access easement is currently located along the front of the subject property and serves as legal access to a lot located directly east of the property. Currently, the access easement is constructed with an approximate 12 foot wide paved surface. In addition, the plat identifies a "common access easement" along the common lot line of the two proposed lots to serve as shared access to the properties. West S. D. Highway 44 is located along the north side of the subject property.

STAFF REVIEW:

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

Curb and Gutter: Currently, none of the streets in the area have curb and gutter. Both the Planning Commission and the City Council have supported variances to allow rural section roads for other subdivisions in this area. A major reason for the requirement for the installation of curb and gutter is to provide adequate facilities for storm water run off and drainage. The Engineering Division has indicated that if the access easements are paved to rural road standards with gravel shoulders with a ditch to accommodate the drainage, then curb and gutter are not needed at this time.

Sidewalks: The proposed lots are relatively large and are more reflective of a rural level of density. None of the roads in this area have sidewalks. The Planning Commission and the City Council have supported variances to allow rural section roads for other subdivisions in this area. Staff supports the variance waiving the requirement for sidewalks.

Water Line and Dry Sewer: The extension of water lines and dry sewers are required by the City's Subdivision Regulations as part of any plat where central water and sewer services are not already available. The proposed subdivision is located outside of the existing City water and sewer service area. Dry sewers are sanitary sewer mains installed as development occurs but in advance of there being central sewer service available to the property. At some future point in time the lines can be "activated" when sanitary sewer service becomes available to the property. The Public Works Department staff does not anticipate that there will be City water or sewer available to the property for at least 20 years. Therefore, staff supports the variance to waive the requirement for the installation of water lines and dry sewer.

Paving: As previously indicated, the Engineering Division has recommended supporting the variance to waive the curb and gutter requirement with the condition that the access road be paved to rural road standards with gravel shoulders and a ditch to accommodate the drainage. Further, the platting of this property will result in the creation of a new lot. The City has not approved waiving of paving requirements when additional lots are being created. (The only exceptions have been on properties that were partially in the three mile

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area and one case at the edge of the three mile area.) The granting of this variance would not be consistent with the public interest or existing precedence.