

STAFF REPORT

December 5, 2002

No. 02SV046 - Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Aero Road and a section line highway as per Chapter 16.16 of the Subdivision Regulations

ITEM 28

GENERAL INFORMATION:

PETITIONER	D.C. Scott Co. for Thomas Estes
REQUEST	No. 02SV046 - Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Aero Road and a section line highway as per Chapter 16.16 of the Subdivision Regulations
EXISTING LEGAL DESCRIPTION	Lot 2 and Lot 4 Revised of Estes Subdivision and the unplatted land; located in the W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 2 of Estes Subdivision, Lot 4 Revised of Estes Subdivision, and the north 690.15 feet of that part of Estes Subdivision lying in the W1/2 NW1/4 SW1/4 of Section 15 except Lot 1 of Estes Subdivision, all located in the W1/2 SW1/4 NW1/4 and the W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 25.576 acres
LOCATION	2.3 miles south of Reptile Gardens on Neck Yoke Road
EXISTING ZONING	Low Density Residential District (County)
SURROUNDING ZONING	
North:	Low Density Residential District (County)
South:	General Agriculture District (County)
East:	Low Density Residential District
West:	Limited Agriculture District/General Agriculture District (County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	11/04/2002

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REPORT BY

Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Aero Road and the section line highway as per Chapter 16.16 of the Subdivision Regulations be approved with the following stipulation:

Engineering Division Recommendation:

1. Any future platting resulting in an increase in lot(s) along either roadway will require that the road(s) be constructed to City street design standards.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations request as outlined above. In addition, the applicant has submitted a Preliminary and Final Plat proposing to subdivide two lots and an unplatted balance into two lots with an unplatted balance. (See companion Item #02PI117.)

On June 7, 2002, the applicant submitted Layout Plat #02PL062 to create a five lot residential development from two previously platted lots and two unplatted parcels. The subject property was a part of that plat. On July 17, 2002, the City Council acknowledged the applicant's request to withdraw the Layout Plat. On November 4, 2002, the City Council approved Layout Plat #02PL094 to subdivide the subject property into two lots and leave an unplatted balance as shown on this plat.

The property is located approximately 2.3 miles south of Reptile Gardens on the north side of Neck Yoke Road. A single family residence is located on each of the two proposed lots. The unplatted balance is currently void of any structural development.

STAFF REVIEW:

The property is located in Pennington County, outside of the incorporated City Limits of Rapid City. Proposed Lot 4R2 and the northern half of proposed Lot 2R are located within the City's three mile platting jurisdiction. The balance of the property is located within the Pennington County's jurisdiction. The Pennington County Planning Department has indicated that a Preliminary and Final Plat for that portion of the property located within their platting jurisdiction has been submitted and will be heard by the Pennington County Planning Commission on November 25, 2002. Staff has reviewed that portion of the Subdivision Regulations Variance Request for that portion of the subject property located within the City's platting jurisdiction and has noted the following considerations:

Road Improvements: The County is currently reviewing a Variance to the Subdivision Regulations for that portion of Aero Road and the section line highway located within their

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planning jurisdiction. The Pennington County Planning Department is recommending that the Variance to the Subdivision Regulations to waive all street improvements for both roadways be approved since the associated plat is reconfiguring existing lots with no increase in density. In the past, where a plat is located within the platting jurisdictions of both the City and the County, the Planning Commission and the City Council have supported a Variance to the Subdivision Regulations to allow construction of the road to County standards in order to maintain road design consistency between the two jurisdictions. In addition, requiring the paving of Aero Road or the section line highway for that portion of the roadways located within the City's platting jurisdiction will result in a discontinuous paved section of roadway located at the northern end of both roads. (In the past, the City has typically required that a section line highway be improved to City Street Design standards or that the section line highway be vacated. The section line highway currently serves as access to a residence. As such, staff does not support vacating the section line highway.)

Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve Aero Road and the section line highway to City street design standards be waived. Any future platting resulting in an increase in lot(s) along either roadway will require that the road(s) be constructed to City street design standards as a part of a Final Plat approval.