

STAFF REPORT

February 6, 2003

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**No. 03SV002 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Subdivision Regulations**

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**ITEM 24**

GENERAL INFORMATION:

PETITIONER	Thomas A. Casey
REQUEST	<b>No. 03SV002 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Subdivision Regulations</b>
EXISTING LEGAL DESCRIPTION	Lot 5A and Lot 23 less Lot A, Laurel Heights Subdivision, Section 26, T2N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Revised Lot 5A and Revised Lot 23, Laurel Heights Subdivision, Section 26, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.755 acres
LOCATION	1249 Pine Cone Lane
EXISTING ZONING	Suburban Residential District
SURROUNDING ZONING	
North:	Suburban Residential District
South:	Suburban Residential District
East:	Suburban Residential District
West:	Suburban Residential District
PUBLIC UTILITIES	Community water system and private on-site wastewater
DATE OF APPLICATION	01/07/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement on Laurel Heights Lane, Pine Cone Lane and an access easement be approved with the following stipulations:

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### Engineering Division Recommendations:

1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements;
2. Upon Preliminary Plat submittal, the plat document shall be revised dedicating 29 additional feet of right-of-way for that portion of Pine Cone Lane located on Lot 5A; and,
3. A Special Exception is hereby granted to allow a cul-de-sac in excess of 1,200 feet and to waive the requirement to provide intermediate turnarounds at intervals not to exceed 600 feet.

### GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations as identified above. On January 23, 2003 the Planning Commission recommended approval of a Layout Plat of the subject property to reconfigure the two lots known as Lot 5A and Lot 23, Laurel Heights Subdivision. The Layout Plat will be considered by the City Council on February 3, 2003. Currently, a single family residence is located on Lot 5A and two accessory structures are located on Lot 23.

The property is located in Pennington County, outside of the City limits of Rapid City but within the City's three mile platting jurisdiction. The Pennington County Planning Department has indicated that one of the accessory structures was recently located on Lot 23 without a building permit. In addition, the Pennington County Planning Department has indicated that a building permit can not be obtained for the accessory structure since a principal use, in this case a residence, does not currently exist on the property. The second accessory structure was located on the property prior to February 1, 1994, and is considered a legal non-conforming structure. The applicant was notified by the Pennington County Planning Department to bring the property into compliance with the County's Zoning Ordinance. As such, the applicant has submitted a Layout Plat to reconfigure the common lot line in order to locate the accessory structure on the same parcel as the existing single family residence.

### STAFF REVIEW:

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

Pine Cone Lane: Pine Cone Lane extends north from Howard Street and serves as legal access to Lot 5A. The road currently has a right-of-way width varying from 20 feet to 100 feet with a graveled surface ranging in width from 12 feet to 16 feet. A portion of the road appears to be constructed outside of the right-of-way on Lot 5. The Street Design Criteria Manual requires that the road be constructed as a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, storm sewer, dry sewer and water. The applicant is requesting a Variance to the Subdivision Regulations to improve Pine Cone Lane as identified. In the past where the proposed plat does not result

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in an increase in density, the Planning Commission and the City Council have supported granting the Variance request. In addition, requiring the road improvement would result in a discontinuous road design. Staff is recommending that the Variance to the Subdivision Regulations be approved contingent upon an additional 29 feet of right-of-way being dedicated for that portion of Pine Cone Lane located on Lot 5A and that the applicant sign a Waiver of Right to Protest a future assessment project for the improvements.

Access Easement: An access easement along the east lot line of Lot 5A was previously granted to allow access to Lot 5B located directly north of the subject property. The Street Design Criteria Manual requires that the road be constructed as a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, storm sewer, dry sewer and water. The applicant is requesting a Variance to the Subdivision Regulations to waive the requirement to improve the easement as identified. As previously indicated, in the past where the proposed plat does not result in an increase in density, the Planning Commission and the City Council have supported granting the Variance request. Staff is recommending that the Variance to the Subdivision Regulations be approved contingent upon the applicant signing a Waiver of Right to Protest a future assessment project for the improvements.

Laurel Heights Lane: Laurel Heights Lane extends west from Howard Street and serves as legal access to Lot 23. The road is currently a 40 foot wide right-of-way with a 20 foot wide graveled surface. The road is classified on the Major Street Plan as a minor arterial road requiring a minimum 100 foot wide right-of-way, curb, gutter, sidewalk, street light conduit, dry sewer and water and pavement. The applicant is requesting a Variance to the Subdivision Regulations to waive the requirement to improve Laurel Heights Lane as identified. Again staff notes that in the past where the proposed plat does not result in an increase in density, the Planning Commission and the City Council have supported granting the Variance request. Staff is recommending that the Variance to the Subdivision Regulations be approved contingent upon the applicant signing a Waiver of Right to Protest a future assessment project for the improvements.

Cul-de-sacs: Laurel Heights Lane and Pine Cone Lane are existing cul-de-sacs and measure 5,320 and 5,180 feet in length, respectively. The Street Design Criteria Manual states that a "cul-de-sac shall not exceed 1,200 feet in length and that a turnaround at the closed end and intermediate turnaround(s) at intervals not to exceed 600 feet must be provided". The applicant has requested a Special Exception to the Street Design Criteria Manual to waive improving the two roads as identified. The Fire Department has indicated that since the proposed plat will not increase density, the existing driveways may serve as fire apparatus turnarounds, the Special Exception is supported. As such, staff is recommending that the Special Exception be granted as requested.

Legal Notification Requirement: The receipts from the certified mailing have been returned. To date, staff has not received any calls or inquiries regarding this proposal.