

STAFF REPORT

February 20, 2003

No. 03SV004 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Subdivision Regulations

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GENERAL INFORMATION:

PETITIONER	Gary and Donna Kluthe
REQUEST	No. 03SV004 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Subdivision Regulations
EXISTING LEGAL DESCRIPTION	SE1/4 NE1/4 and the NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) and Lot W all located in Section 36, T1N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and Lot B of Two Cow Subdivision, Section 36, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 64.19 acres
LOCATION	9425 Sheridan Lake Road
EXISTING ZONING	Suburban Residential District
SURROUNDING ZONING	
North:	Suburban Residential District
South:	Suburban Residential District
East:	Suburban Residential District/Low Density Residential District
West:	Suburban Residential District
PUBLIC UTILITIES	Private Well and Septic System
DATE OF APPLICATION	01/09/2003
REPORT BY	Tom Kurtenbach

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations to waive pavement and sidewalk on the west side along Peregrine Point Place be denied. Additionally, Staff recommends that the Special Exception to the Street Design Criteria Manual to allow access from a higher order street be denied. Staff recommends that the Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, water, dry sewer and street light

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conduit along Sheridan Lake Road **and curb, gutter, sidewalk on the east side, street light conduit, dry sewer and water along Peregrine Point Place be approved with the following stipulation:**

Urban Planning Division Recommendations:

1. Prior to Final Plat approval by the City Council, the applicant shall submit a signed Waiver of Right to Protest an assessment district for the required subdivision improvements.

GENERAL COMMENTS: **This item was continued at the February 6, 2003 Planning Commission meeting to allow for additional discussion of the issues associated with the required subdivision improvements. (All changes have been shown in bold. No other changes have been made to this report.)** The applicant has submitted an application for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry water, dry sewer and pavement in the Peregrine Point Place section line highway, and curb, gutter, sidewalk, street light conduit, dry water and dry sewer along Sheridan Lake Road. Secondly, the applicant has applied for a Special Exception to the Street Design Criteria Manual requiring access be taken from a lesser order street when the property is fronted by two or more streets. The applicant has also submitted a Layout Plat to subdivide the subject property to create two residential lots (Companion item #03PL003).

The property is located south of County Road #C228 (Sheridan Lake Road) and west of Peregrine Point Place. A single family residence and garage occupy the subject property, which is served by a private well and septic sewer system. Access to the existing residence is currently taken from Sheridan Lake Road.

STAFF REVIEW:

During the review of the Variance to the Subdivision Regulations, staff identified the following considerations:

Access: The subject property is fronted by Sheridan Lake Road on the north and Peregrine Point Place on the east. Sheridan Lake Road is classified as a Principal Arterial Street in the Major Street Plan, while Peregrine Point Place is unclassified at this time. The applicant has applied for a Special Exception to the Street Design Criteria Manual waiving the requirement to take access from Sheridan Lake Road, and not the lesser order street. The lesser order street abutting the subject property is Peregrine Point Place. Review of the information submitted by the applicant identifies approximately eight access points to properties located north of Sheridan Lake Road. Additional access points along Sheridan Lake Road would only reduce ingress/egress safety for vehicular traffic along Sheridan Lake Road. As such, Staff can not support a Special Exception to the Street Design Criteria Manual waiving the requirement to take access from Peregrine Point Place.

Sheridan Lake Road Subdivision Improvements: Currently, curb, gutter, sidewalk, water, dry

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sewer and street light conduit do not exist along the segment of Sheridan Lake Road that abuts the subject property. The applicant has submitted an application for a Variance to the Subdivision Regulations to waive the requirement to install these subdivision improvements along this segment of Sheridan Lake Road. Engineering Staff has indicated that the subject property is located within the Red Rocks sewer service area, but not the water service area due to the elevation of the subject property. Although the Red Rocks Subdivision is currently located approximately one mile east of the subject property, the development along Sheridan Lake Road will extend to the area of the subject property in the future.

As was previously reported, curb, gutter, sidewalk, water, dry sewer and street light conduit do not exist along the segment of Sheridan Lake Road that abuts the subject property. Due to the discontinuous nature of any improvements at this time, Staff recommends approval of the Variance to the Subdivision Regulations to waive the improvement requirements along Sheridan Lake Road with the stipulation that the applicant submit a signed Waiver of Right to Protest an assessment district prior to Final Plat approval by the City Council.

Peregrine Point Place Subdivision Improvements: Currently, paving, curb, gutter, sidewalk, water, dry sewer and street light conduit do not exist along the segment of Peregrine Point Place that abuts the subject property. The applicant has submitted an application for a Variance to the Subdivision Regulations to waive the requirement to install these subdivision improvements along this segment of Peregrine Point Place. Peregrine Point Place currently serves single family residences and Peregrine Point Place Bed and Breakfast located south of the subject property. Considering the access requirements reported above, this section line highway will serve as a subcollector street when proposed Lot B and possibly proposed Lot A are further subdivided in the future.

In 2000, development of the Feay Reder Subdivision occurred to the north of the subject property. The Feay Reder Subdivision is located north of Sheridan Lake Road and west of Norsemen Lane. In February and April of 2000, the City Council approved Subdivision Variances to allow the development of a rural standard road along Norsemen Lane. A paved road with sidewalk on one side and borrow ditches to accommodate drainage was required. The variances waived the requirement for the installation of sidewalks on the east side of Norsemen Lane, and curb, gutter and dry sewer along Norsemen Lane. Sidewalks, curb, gutter and dry sewer were also waived along Sheridan Lake Road. These variances were issued with the stipulation that the applicant sign a Waiver of Right to Protest an assessment district for the subdivision improvements.

Based on development trends in the area, additional subdivision activity is anticipated, further increasing the residential density in this area. Considering the residential density increase proposed by the applicant and the potential for a significant increase in density in the vicinity, Staff can not support the Variance to the Subdivision Regulations to waive **pavement and sidewalk on the west side of Peregrine Point Place. This**

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recommendation would compromise the improvements being installed or the surety to cover the cost of the improvements being posted at the time of platting, but would be consistent with the action on previous Subdivision Regulations Variances in the immediate area.

As was previously reported, Engineering Staff has indicated that the subject property is not serviceable with existing Red Rocks water infrastructure. Therefore, Staff recommends approval of the Variance to the Subdivision Regulations to waive the installation of water system improvements along Peregrine Point Place at this time.

Staff recommends that the applicant submit a signed Waiver of Right to Protest an assessment district for the subdivision improvements prior to Final Plat approval by the City Council.

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.