

STAFF REPORT

April 24, 2003

No. 03SV014 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, dry sewer, water and paving as per Chapter 16.16 of the Subdivision Regulations

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying and Consulting Engineers for John Skulborstad
REQUEST	No. 03SV014 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, dry sewer, water and paving as per Chapter 16.16 of the Subdivision Regulations
EXISTING LEGAL DESCRIPTION	Lot 1 and Lot F-1 of the Fish Hatchery Subdivision less Lot 13 Revised of the Cleghorn Canyon No. 2 Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1, 2 and 3, Vista Lake Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 22.78 acres
LOCATION	Along Jackson Boulevard north of the Fish Hatchery
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	03/26/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to pave the private access and utility easement be denied and that the Variance to waive the

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requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on the private access and utility easement and to install curb, gutter, sidewalk, street light conduit, sewer and water on a portion of Jackson Boulevard, be approved with the following stipulations:

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 construction of curb, gutter, sidewalk, street light conduit, sewer and water along the north side of Jackson Boulevard as it extends west from the private access and utility easement; and,
3. Upon submittal of a Major Amendment to the Planned Residential Development, road construction plans for that portion of Jackson Boulevard abutting Lot 1 and for the private access and utility easement shall be submitted for review and approval.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations as outlined above. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into three lots to be known as Lots 1 thru 3 of Vista Lake Subdivision. (See companion item #03PL036.)

On June 17, 2002, the City Council approved Preliminary and Final Plat #01PL110 to subdivide the subject property into seven lots. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer and water and to allow a sidewalk along one side of the interior street. The plat was recorded on June 24, 2002 however, the applicant later determined that the cost of constructing the subdivision improvements made it undesirable to proceed with the development. On February 13, 2003, the applicant submitted documentation vacating the plat. As such, the property reverted to its previous legal description of "Lot 1 and Lot F-1 of the Fish Hatchery Subdivision less Lot 13 Revised of the Cleghorn Canyon No. 2 Subdivision".

The applicant is proposing to delay the street improvements until such time as the property develops. An Initial and Final Planned Residential Development Plan was approved by the City Council on 01PD065; however, the lot configuration as shown on this plat does not match the approved site plan. As such, a Major Amendment to the Planned Residential Development must be obtained prior to issuance of a building permit. In addition, the applicant has requested that the Major Amendment to the Planned Residential Development serve as a form of surety for the street improvements. If approved by the Planning Commission and the City Council, the design of the private access and utility easement and Jackson Boulevard will be required to be submitted at the time that a Major Amendment to the Planned Residential Development is submitted and prior to issuance of any building permits.

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Currently, an unoccupied building is located on proposed Lot 1. At one time the building was the site of the Johnson Siding Volunteer Fire Department.

STAFF REVIEW:

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

Private Access and Utility Easement: The proposed private access and utility easement is classified as a lane/place street requiring a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, sewer and water. The applicant is requesting a Variance to the Subdivision Regulations to allow the easement to be constructed with a twenty foot wide graveled surface. The applicant has also indicated that the slope of the road will not exceed 16% and that the first fifty feet of the access easement as it extends north from Jackson Boulevard will be paved. The applicant has proposed that water and sewer service lines be extended along the private access and utility easement to serve Lots 2 and 3 in lieu of public water and sewer lines. In addition, the applicant has indicated that a fire hydrant will be located at the intersection of Jackson Boulevard and the access easement. The applicant has stated that adequate domestic and fire flows will be provided at each building site. In consideration of the Subdivision Regulations Variance request, the applicant has indicated that he will sign an agreement assuming all maintenance of the water and sewer service lines and the proposed road to be located within the access and utility easement as required by Ordinance.

As previously indicated, the applicant is requesting that the design of the road and construction of the road improvements be delayed until the Major Amendment to the Planned Residential Development is submitted for review and approval. In addition, to comply with the adopted street standards, the road design must meet all sight distance triangle requirements at the Jackson Boulevard intersectional Uniform Fire Code requirements must be met. In particular, the homes must be sprinklered and fire apparatus turnaround(s) must be provided as needed depending upon the length of the driveway(s). The Fire Department has also indicated that an additional fire hydrant may be required at the end of the cul-de-sac if adequate fire flows are not provided. Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement on the private access and utility easement be approved with the stipulation that upon submittal of a Major Amendment to the Planned Residential Development, road construction plans for the private access and utility easement in compliance with all adopted street design criteria shall be submitted for review and approval. The applicant has indicated that he will appear at the April 24, 2003 Planning Commission meeting to discuss his request to waive the paving requirements for the private street.

Jackson Boulevard: Jackson Boulevard is identified as a principal arterial street on the Major Street Plan requiring that it be constructed with a minimum 100 foot wide right-of-way, and

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12 foot wide paved lane(s), curb, gutter, street light conduit, water and sewer. Currently, curb, gutter sidewalk, water and sewer are located along the south side of Jackson Boulevard. As previously indicated, the applicant is requesting to waive the requirement to construct curb, gutter, street light conduit, water and sewer along a portion of the north side of Jackson Boulevard. The applicant has indicated that the water and sewer lines will be extended under Jackson Boulevard to serve proposed Lot 1. In addition, the water and sewer lines will be extended west along the north side of Jackson Boulevard to the proposed private access and utility easement. The applicant has also indicated that water and sewer service lines will be extended along the private access and utility easement to serve proposed Lots 2 and 3 in lieu of public water and sewer lines. Staff is recommending that the Variance to the Subdivision Regulations as requested be approved with the stipulation that the applicant sign a Waiver of Right to Protest a future assessment project for the construction of curb, gutter, sidewalk, street light conduit, sewer and water along the north side of Jackson Boulevard as it extends west from the private access and utility easement. In addition, upon submittal of a Major Amendment to the Planned Residential Development, road construction plans for the extension of sidewalk, water and sewer along that portion of Jackson Boulevard abutting Lot 1 must be submitted for review and approval.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 24, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.