

STAFF REPORT

June 5, 2003

No. 03SV020 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Davis Engineering, Inc. for Verlyn and Cindy Bourne
REQUEST	No. 03SV020 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.7 acres
LOCATION	5511 Hidden Valley Lane
EXISTING ZONING	County
SURROUNDING ZONING	
North:	County
South:	General Agriculture District
East:	County
West:	County
PUBLIC UTILITIES	Private on-site wastewater and water
DATE OF APPLICATION	05/12/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement on Hidden Valley Lane be denied and the Variance to the Subdivision Regulations to install curb, gutter, street light conduit, sewer and water on Hidden Valley Lane and Hidden Valley Road 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 improvements;
2. A Special Exception is hereby granted to allow Hidden Valley Road, a cul-de-sac street,

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- to be in excess of 500 feet in length and to waive the requirement to provide intermediate turnarounds at intervals not to exceed 600 feet;
3. A Special Exception is hereby granted to allow Hidden Valley Road, a principal arterial street, to have a 14% gradient in lieu of the maximum allowed 10% gradient;
 4. The Special Exception to allow access from Hidden Valley Road, a principal arterial street, in lieu of a lesser order street as required by the Street Design Criteria Manual is hereby denied; and,

Fire Department Recommendations:

5. Prior to City Council approval, the applicant shall submit construction plans to show a hard surface fire apparatus turnaround at the end of the cul-de-sac.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive all street improvements on Hidden Valley Lane and Hidden Valley Road. In addition, the applicant has submitted several Special Exception requests to preclude constructing the two streets in compliance with the City's Street Design Criteria Manual. The applicant has also submitted a Preliminary and Final Plat to subdivide the subject property into two lots to be known as Lot A and Lot B. In addition, the applicant has submitted a petition for annexation to annex the property into the City limits. Subsequently, the applicant has submitted a rezoning request to change the zoning designation on the property from No Use District to Low Density Residential District and a Comprehensive Plan Amendment to change the future land use designation from industrial to Low Density Residential. (See companion items #03PL054, 03AN002, 03RZ022 and 03CA014.)

On May 19, 2003 the City Council approved Layout Plat #03PL043 to subdivide the subject property as identified on this Preliminary and Final Plat.

The property is located west of Sturgis Road between Hidden Valley Lane and Hidden Valley Road. Currently, a single family residence is located on proposed Lot A. Proposed Lot B is currently void of any structural development.

STAFF REVIEW:

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

Hidden Valley Road: Hidden Valley Road is located along the south lot line of proposed Lot B and is classified as a principal arterial street on the Major Street Plan. As previously indicated, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, street light conduit, sewer and water along Hidden Valley Road as it abuts the subject property. Currently, these improvements do not exist along Hidden Valley Road. As such, requiring the applicant to improve Hidden Valley Road as identified will create a discontinuous street design. The Pennington County Highway

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Department has indicated that no current or proposed design plans for Hidden Valley Road exist. As such it would be difficult for the applicant to construct the improvements at this time. 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 improvements.

The Engineering Division has indicated that access to proposed Lot B must be provided from Hidden Valley Lane, the lesser order street, in lieu of Hidden Valley Road, the principal arterial street or a Special Exception to the Street Design Criteria Manual must be obtained. The applicant has submitted a Special Exception request to allow access via Hidden Valley Road in lieu of the lesser order street. (Please note the applicant submitted the same Special Exception request with the previously approved Layout Plat and the request was denied.) Due to traffic issues associated with a principal arterial street, staff can not support the request. In particular, as this area develops and/or redevelops direct access onto the principal arterial street should be precluded to the greatest degree possible in order to allow the road to safely function as a principal arterial street. The applicant also has the option of seeking a Comprehensive Plan Amendment to the Major Street Plan to relocate the principal arterial street. Traffic engineering analysis, topographic information and other documentation must be submitted with such a request justifying any proposed change in the plan. The Pennington County Highway Department has indicated that an approach to proposed Lot B has recently been constructed along Hidden Valley Road. The Pennington County Highway Department has also indicated that the approach was constructed without the review and approval of an approach permit and, as such, is recommending that the approach be removed. If a Special Exception is granted as requested or a Comprehensive Plan Amendment to relocate the principal arterial street is obtained, then an approach permit must also be submitted for review and approval.

The Engineering Division has indicated that portions of the Hidden Valley Road have been constructed with a gradient in excess of 14%. The Pennington County Highway Department and the Engineering Division have indicated that the road was constructed without approved construction plans from either the City or the County. The applicant has requested a Special Exception to the Street Design Criteria Manual to allow a principal arterial street to have a 14% gradient in lieu of the maximum allowed 10% gradient. Since Hidden Valley Road will not serve as access to the subject property, staff is recommending that the Special Exception be granted as requested.

Hidden Valley Lane: Hidden Valley Lane is located along the north lot line of the subject property and is classified as a local street requiring that it be constructed with a minimum 52 foot wide right-of-way and a 27 foot wide paved surface. Currently, Hidden Valley Lane is constructed with a 60 foot wide right-of-way and an approximate 12.5 foot wide paved surface for the eastern most 60 feet of the road as it abuts the subject property and continues east to Sturgis Street with the same pavement design. The balance of the road extending west along the subject property is an approximate 12 to 20 foot wide gravel

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roadway. As previously indicated, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, street light conduit, sewer, water and pavement along Hidden Valley Road as it abuts the subject property. Currently, these improvements do not exist along Hidden Valley Lane. The Planning Commission and the City Council have granted similar Variance requests when requiring the improvement would create a discontinuous street design with the exception of the variance to waive the requirement to pave the street. The Planning Commission and the City Council have typically required that the road be paved to City Street Design Standards whenever the proposed subdivision results in an increase in density. As such, staff is recommending that that Hidden Valley Lane be paved to City Street Design Standards and that the Variance to the Subdivision Regulations for the balance of the improvements be approved with the stipulation that the applicant sign a waiver of right to protest a future assessment project for the improvements.

The Fire Department has indicated that the property is located in a moderate to high wild fire area. The Street Design Criteria Manual states that cul-de-sacs shall not exceed 500 feet in length in moderate, high or extreme fire hazard areas. In addition, the Street Design Criteria Manual states that intermediate turnarounds at intervals not to exceed 600 feet must be provided. Currently, Hidden Valley Lane is an approximate 910 foot long cul-de-sac street. The applicant has submitted a Special Exception request to allow a 910 foot long cul-de-sac and to waive the requirement to provide intermediate turnarounds. The Fire Department has indicated that existing driveways may serve as fire apparatus turnarounds and, as such, the Special Exception is supported with the stipulation that the applicant submit construction plans to show a hard surface fire apparatus turnaround at the end of the cul-de-sac. As an example, the Fire Department has indicated that the construction plans may show the applicant's driveway serving as a hammerhead turnaround for fire apparatus.

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 June 5, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal