

STAFF REPORT

July 8, 2004

No. 04SV038 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, waster and sewer as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting Inc. for Tom Gagliano
REQUEST	No. 04SV038 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, waster and sewer as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 8 and 9, Block 2, Skyline Pines Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 8A, 8B and 9B, Block 2, Skyline Pines Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.64 acres
LOCATION	1501 Pevans Parkway and 3289 Sandstone Lane
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Agriculture District
East:	General Agriculture District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	06/11/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Sandstone Lane be denied; that the Variance to the Subdivision Regulations to dedicate right-of-way for the existing access easement and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the access

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easement be denied; that the Variance to the Subdivision Regulations to waive the requirement to extend a sewer main from Pevans Parkway to proposed Lot 8B be approved; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sandstone Lane be approved; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along Skyline Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicants shall sign a waiver of right to protest any future assessments for the improvements along Sandstone Lane and Skyline Drive.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, to improve Sandstone Lane and Skyline Drive and to extend a sewer main from Pevans Parkway to proposed Lot 8B as identified above. On June 21, 2004, the City Council approved a Layout Plat to subdivide the subject property, two existing lots, into three lots. (See file #04PL067.)

On March 3, 2003, the City Council vacated a non-access easement along the south lot line of Lot 8 as it abuts Skyline Drive. The property is located between Pevans Parkway and Skyline Drive. In addition, Sandstone Court is located along the east lot line of the property.

STAFF REVIEW:

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

Sandstone Lane: Sandstone Lane is located along the east lot line of proposed Lot 9R and is classified as a sub-collector street requiring that it be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit and sewer. Currently, Sandstone Lane is located in a 45 foot wide right-of-way requiring that 3.5 feet of additional right-of-way be dedicated along the subject property. In addition, Sandstone Lane is constructed with an approximate 22 foot wide paved surface. Requiring that Sandstone Lane be improved to City Street Design Standards as identified will create a discontinuous street design. The Planning Commission and the City Council have granted similar Variance requests when the improvement would create a discontinuous street design with the stipulation that the additional right-of-way be dedicated. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the additional 3.5 feet of right-of-way be denied. In addition, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve Sandstone Lane as identified be approved with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvements.

Skyline Drive: Skyline Drive is located along the south lot line of proposed Lot 8R and is

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classified as a collector street requiring that it be located within a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface. Currently, Skyline Drive is located within a 100 foot wide right-of-way and constructed with an approximate 22 foot wide paved surface and a water main. Requiring that Skyline Drive be improved to City Street Design Standards as identified will create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve Skyline Drive as identified be approved with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvements.

Utility and Access Easement: A section line highway located along the south lot line has previously been vacated and a 33 foot wide utility and access easement has been retained. The access easement is classified as a lane place street requiring that the street be located within a minimum 45 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In lieu of granting a Variance to the Subdivision Regulations to waive the requirement to dedicate the access easement as right-of-way and to improve the access easement to City Street Design Standards, staff is recommending that the applicant vacate the access easement via the associated plat document. Retaining the 33 foot wide utility easement will allow continued access and maintenance of any existing and/or proposed utilities within the easement. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the access easement as right-of-way and to improve the access easement as identified be denied.

Sewer: A sewer main located in the Pevans Parkway right-of-way will serve the future residences to be located on Lot 8A and Lot 9R. Currently, a sewer main does not exist in the Skyview Drive right-of-way to serve proposed Lot 8B. However, the proposed lot is located approximately 440 feet north of the existing main in Pevans Parkway right-of-way. Chapter 16.16.050.B of the Rapid City Municipal Code states that "...any subdivision located within five hundred feet of the Rapid City sewer system or any central sewer system shall be required to hook up to that system" or a Variance to the Subdivision Regulations must be obtained. The topographic constraints between Pevans Parkway and proposed Lot 8B significantly limit the construction of a sewer main within this area creating a unique circumstance. In addition, the existing topography limits any access to provide maintenance of the sewer main. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to extend a sewer main from Pevans Parkway to proposed Lot 8B be approved.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the July 8, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.