

STAFF REPORT  
July 22, 2004

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**No. 04SV041 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way; to allow lots twice as long as wide; and, to allow platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 36**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 04SV041 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way; to allow lots twice as long as wide; and, to allow platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	W1/2 of NW1/4 of Section 28, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 80 acres
LOCATION	East of Red Rock Estates Subdivision and north of Sheridan Lake Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	06/25/2004
REVIEWED BY	Vicki L. Fisher/ Dave Johnson

RECOMMENDATION:

Staff recommends that the Special Exception to allow 210 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual be denied and that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way; to allow lots twice as long as wide; and, to allow platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Dunsmore Road, to allow platting half the right-of-way for a section line highway located along the north lot line and to allow lots twice as long as they are wide. The applicant has also submitted a Special Exception

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request to allow 210 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate a collector street from a section line highway located along the west lot line of the subject property, east a varying distance of 300 feet to 1,100 feet through the subject property. The applicant has also submitted a Vacation of Section Line Highway request to vacate the section line highway. In addition, the applicant has also submitted an Annexation Petition to annex the subject property. The applicant has also submitted a Rezoning request to change the zoning designation of the property from No Use District to Low Density Residential District (See companion items #04VR005, 04CA028, 04AN007 and 04RZ036.)

On April 19, 2004, the City Council approved a Layout Plat to subdivide the subject property into 294 residential lots leaving an unplatted non-transferable balance. The property is located directly east of the Red Rock Estates Subdivision and is currently void of any structural development.

STAFF REVIEW:

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

Lot Configuration: The Subdivision Regulations states that "...for lots in residential districts having a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width". The Layout Plat identified that 15 of the lots will have a length twice the distance of the width.

The lots are located at the terminus of several proposed cul-de-sacs and along a proposed lane place street located in the northwest corner of the property. The property along lane place street slopes severely to the south limiting structural development within this area of the site. In addition, due to the design of a cul-de-sac street, there is limited lot frontage along the roadway. The subdivision design as shown on this plat is reasonable for the site. In addition, the lot configurations do not create any significant difficulties for use or maintenance. As such, staff is recommending that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be approved.

Section Line Highway: A section line highway is located along the north lot line of the subject property. The Layout Plat identifies that a collector street will be constructed within the section line highway requiring a minimum 76 foot wide right-of-way. In particular, the road must be constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has indicated that the south half of the right-of-way will be dedicated upon Final Plat approval of the subject property. However, the Subdivision Regulations does not allow the platting of a "half street" and, therefore, the applicant has requested the Variance to the Subdivision Regulations to waive the requirement. The applicant does not own the north half of the section line highway and, as such, staff is recommending that the Variance be approved as requested. At such time that

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the adjacent property is platted, the additional right-of-way must be dedicated.

Dunsmore Road: The Layout Plat identifies the construction of Dunsmore Road within a 66 foot wide section line highway to serve as access to the subject property. Dunsmore Road is identified as a minor arterial street requiring that it be located in a minimum 100 foot wide right-of-way. However, this portion of Dunsmore Road is located adjacent to the subject property and is under different ownership than the subject property. The applicant has demonstrated that the existing 66 foot wide right-of-way is sufficient to construct a three lane street section to serve as access to the development. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the additional 34 feet of right-of-way for Dunsmore Road be approved. At such time that the adjacent property is platted, the additional right-o-way must be dedicated.

Special Exception: On August 16, 2000, the City Council approved an amendment to the Street Design Criteria Manual stating that "...a street shall not provide exclusive access to more than forty (40) dwelling units. A second street access shall be provided when more than forty (40) dwelling units are exclusively accessed from a street". Dunsmore Road extending north from Sheridan Lake Road will serve as exclusive legal access to the subject property. As such, the applicant is requesting a Special Exception to allow Dunsmore Road to serve as access to 210 dwelling units.

The intent of the amendment to the Street Design Criteria Manual limiting the number of residences with one point of access is to insure safe ingress and egress into these development(s) during times of an emergency. In particular, the Fire Department has indicated that during times of a fire and/or any other catastrophe, one point of access to more than forty dwelling units is not adequate to handle emergency vehicle traffic and residential traffic. Multiple points of access also provide for traffic distribution so that one portion of the neighborhoods is not inordinately impacted by traffic from a development. With 210 dwelling units accessing from a single point, over 2,100 average daily trips (ADT) will be experienced at that single point until an alternate access is constructed.

The 40 dwelling unit standard was established in 2000 as a result of traffic issues associated with the Elks Country Estates/Plum Creek developments. Other existing developments with similar concerns include the Chapel Valley area and the Copperfield development. In 2003, the City Council approved a Special Exception request to allow 69 dwelling units with one point of access from Alta Vista Street for the West Hills Village multi-family residential development and the Minnesota Ridge Subdivision. In addition, the City Council approved a Special Exception to allow 80 dwelling units with one point of access from Parkview Drive. In both instances, the applicant(s) proposed the use of one point of access to the property on a temporary basis until a second access could be extended. As the properties located east and north of the subject property develop, a second point of access may be provided but the applicant has not demonstrated a timeframe for the street connection(s).

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However, due to the significant safety issues and traffic concerns relative to allowing 210 dwelling units in lieu of 40 dwelling units with one point of access, staff recommends that the Special Exception as requested be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the July 22, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.