

STAFF REPORT
March 10, 2005

No. 05SV014 - Variance to the Subdivision Regulations to allow platting one-half a section line right-of-way as per Chapter 16.12 of the Rapid City Municipal Code; to waive the requirement to dedicate additional right-of-way; to waive the requirement to install curb, gutter, sidewalk, water, sewer, storm drainage and pavement along the Section Line Highway, along the access easement and along the north/south collector road as per Chapter 16.16 of the Rapid City Municipal Code

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*GENERAL INFORMATION:

PETITIONER	Renner Associates, LLC for Pam Godfrey
REQUEST	No. 05SV014 - Variance to the Subdivision Regulations to allow platting one-half a section line right-of-way as per Chapter 16.12 of the Rapid City Municipal Code; to waive the requirement to dedicate additional right-of-way; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along the Section Line Highway, along US Highway 16, along the access easement and along the north/south collector road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 66.409 acres
LOCATION	Southwest of the intersection of Catron Boulevard and U.S. Highway 16
EXISTING ZONING	Suburban Residential District - Highway Service District (Pennington County)
SURROUNDING ZONING	
North:	Planned Unit Development (Pennington County)
South:	Suburban Residential District - Highway Service District (Pennington County)
East:	Highway Service District (Pennington County)
West:	Suburban Residential District (Pennington County)

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PUBLIC UTILITIES	Private utilities
DATE OF APPLICATION	2/11/2005
REVIEWED BY	Patsy Horton / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow platting one-half a section line right-of-way as per Chapter 16.12 of the Rapid City Municipal Code be denied;

That the Variance to the Subdivisions Regulations to waive the requirement to dedicate additional right-of-way along the north/south collector road be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along the north/south collector road be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along the Section Line Highway be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along the access easement be denied; and

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, storm drainage and pavement along US Highway 16 Frontage Road be approved with the following stipulations:

1. Prior to City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements along US Highway 16 Frontage Road.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer, drainage, pavement and water improvements along an access easement, along the Section Line Highway along US Highway 16 Frontage Road and along the proposed north/south collector road as they abut the subject property. In addition the applicant has submitted a Layout Plat to subdivide approximately 66.409 acres into two parcels. (See companion item #04PL209)

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The subject property is located to the south of Catron Boulevard and to the west of US Highway 16. Currently, there is one single family residence located on the proposed Lot A of Lot 2.

STAFF REVIEW:

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

Driveway Easement: The Layout Plat identifies a 15 foot driveway easement located within and along the eastern lot line of Lots A and B. A portion of the driveway easement is also located within the Section Line Highway right-of-way. This driveway easement is identified as a lane/place requiring a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. This driveway easement/Section Line Highway right-of-way is the only legal access to the property. The applicant has correspondence from the adjoining property owner that the applicant is allowed to continue utilizing the property for access across the owner's parking lot. However, the current parking lot use is void of any legally recorded documentation. In addition, the construction plans must identify the construction of a permanent turnaround at the end of the driveway cul-de-sac with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface. The applicant is requesting a Variance to this requirement. The Planning Commission and the City Council have denied similar Variance requests.

Section Line Highway: As previously indicated, a Section Line Highway is located along the property boundary. The County Director of Equalization's records indicate that the applicant owns the western 33 feet of the property lying along the section line and adjacent to the subject property. Staff is recommending that upon submittal of a Preliminary Plat application, road construction plans for the Section Line Highway be submitted for review and approval. In particular, the road construction plans must show the Section Line Highway or right-of-way constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant is requesting a Variance to the requirement to improve, dedicate and/or vacate the Section Line Highway. The Planning Commission and the City Council have denied similar Variance requests.

Major Street Plan: The Major Street Plan identifies a north-south collector road to be constructed through the subject property. The collector road will serve to connect Catron Boulevard to the north with Moon Meadows Drive to the south. Upon Preliminary Plat submittal, construction plans for the collector road must be submitted for review and

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approval or the Major Street Plan must be amended to eliminate and/or relocate the collector road. The applicant is requesting a Variance to the requirement to improve and dedicate the collector road. The Planning Commission and the City Council have denied similar Variance requests.

The Major Street Plan also identifies the US Highway 16 frontage road as a minor arterial. Upon Preliminary Plat submittal, construction plans for the minor arterial must be submitted for review and approval. In particular, the road construction plans must show the frontage road right-of-way constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. The Planning Commission and the City Council have granted similar Variance requests when the requirement to improve the street would result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and to improve pavement along the US Highway 16 frontage road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Water: Water plans prepared by a Registered Professional Engineer showing all service lines connecting to the existing water main within the US Highway 16 right-of-way must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If on-site well(s) and/or a community water source are used, data to confirm that the well(s) have sufficient flows and water quality must be submitted for review and approval. In addition, the water plans must show the existing water system layout, including location and size of mains, reservoir capacity, overflow elevations, well location and capacity. The water plans must also address high and low water pressure looping. In addition, the applicant must submit documentation that the existing community water district concurs with the proposed expansion of use. The applicant is requesting a Variance to the improvement and connection requirement. The Planning Commission and the City Council have denied similar Variance requests.

Sewer: Sewer plans prepared by a Registered Professional Engineer showing the extension of all service lines connecting to the existing sanitary sewer main within the US Highway 16 right-of-way must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. In particular, the information must include percolation test data and location as well as soil profile data and locations. In addition, data must be submitted identifying the depth to ground water. A note must also be placed on the plat indicating that at the time a Building

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Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided. The applicant is requesting a Variance to the improvement and connection requirement. The Planning Commission and the City Council have denied similar Variance requests.

Drainage: Staff has identified that upon submittal of a Preliminary Plat application, a drainage plan must be submitted for review and approval. In particular, the drainage plan must demonstrate that street flows comply with the Drainage Criteria Manual standards. In addition, adequate detention on or off the property must be provided to maintain pre-developed flows or it must be demonstrated that adequate easements and conveyance exist downstream for developed flows or an analysis to determine compliance with reasonable use principles must be submitted or a combination of these items to be submitted for review and approval. The drainage plan must also account for flows onto the site from the south. It appears that drainage facilities or easements or both may be needed. The applicant is requesting a Variance to this requirement. The Planning Commission and the City Council have denied similar Variance requests.

Fire Protection: The Fire Department staff has indicated that fire hydrants must be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s) or a Variance to the Subdivision Regulations. In addition, all proposed streets must be constructed to meet the minimum standards of the Street Design Criteria Manual to insure fire apparatus access. The applicant is requesting a Variance to this requirement. The Planning Commission and the City Council have denied similar Variance requests.

Annexation: In May, 1983, the City Council approved a resolution requiring all properties that are contiguous to Rapid City which are being platted to be annexed into the city limits of Rapid City prior to Preliminary Plat approval. The Planning Commission and the City Council have denied similar requests.

Zoning: Upon annexation the subject property will be zoned No Use District. The existing Long Range Comprehensive Plan identifies the appropriate use of the property as Park Forest. However, a draft US Highway 16 Neighborhood Area Future Land Use Plan identifies the appropriate use of the property as General Commercial with a Planned Commercial Development, Medium Density Residential with a Planned Residential Development and Planned Residential Development with a maximum of 4 dwelling units per acre. The Planning Commission recommended approval of the draft Future Land Use Plan at its November 4, 2004 meeting. Staff is recommending that once the property is annexed, the property be Rezoned from No Use District to General Commercial with a Planned Commercial Development, Medium Density Residential with a Planned Residential

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Development and Planned Residential Development with a maximum of 4 dwelling units per acre for consistency with the city's Comprehensive Plan.

LEGAL NOTIFICATION REQUIREMENT:

The receipts from the certified mailings have not been returned as of this writing. Staff will notify the Planning Commission at the March 10, 2005 Planning Commission meeting if this requirement has not been met.