

STAFF REPORT
March 24, 2005

No. 05SV020 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 58

GENERAL INFORMATION:

PETITIONER	Ted McBride for Jonna K. Fitzgerald and Teena Miller
REQUEST	No. 05SV020 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	SW1/4 of the SW1/4 of Section 32, T2N, R7E, less Lot A, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1-3 of SW1/4 of the SW1/4 of Section 32, T2N, R7E, less Lot A, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.96 Acres
LOCATION	South of Timberland Trail
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Low Density Residential District
East:	Low Density Residential District
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	2/25/2005
REVIEWED BY	Vicki L. Fisher / Dave Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the private access easement and the section line highway be tabled; that the Variance to the Subdivision Regulations to waive the requirement to install pavement along the private access easement and the section line highway be denied; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer along the private access easement and the section line highway as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

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1. The private access easement and the section line highway shall be constructed with a minimum 24 foot wide paved surface; and;
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, street light conduit, water and sewer along the section line highway.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a private access easement and an adjacent section line highway. In addition, the applicant has submitted a Layout Plat to subdivide the subject property, a 37.29 acre parcel, into three lots leaving a 27.35 acre unplatted non-transferable balance. The proposed lots range in size from 3.04 acres to 3.61 acres. (See companion item #05PL038.)

The property is located approximately 1,350 feet south of the southern terminus of Timberland Trail and is currently void of any structural development.

STAFF REVIEW:

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

Private Access Easement: The Layout Plat identifies a private access easement extending south from Timberline Trail and a section line highway located directly north of the subject property serving as access to the proposed development. The private access easement is classified as a lane place street requiring that it be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. In addition, a permanent turnaround must be constructed at the end of the private access easement with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations must be obtained. Currently, Timberline Trail is constructed as an approximate 20 foot wide paved street. To date, curb, gutter, sidewalk, street light conduit, water and sewer have not been constructed along Timberline Trail. Requiring these improvements along the private access easement will create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, street light conduit, water and sewer along the private access easement be approved.

As noted above, Timberline Trail is currently an approximate 20 foot wide paved street. Requiring the private access easement to be paved will create a continuous street design and, as such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to pave the private access easement as it extends south from Timberline Trail as well as that portion located along the north lot line of the subject property be denied.

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The Rapid City Municipal Code states that "...when the lot has a frontage in excess of two hundred feet per dwelling unit located on the lot, sidewalks shall not be required". The proposed lots about the private access easement in excess of 200 feet and, as such, sidewalks are not required. Staff is recommending that the Variance to the Subdivision Regulations to install sidewalks be tabled.

Section Line Highway: A section line highway is located along the west lot line of the subject property and extends north to the private access easement as identified above. The section line highway is classified as a lane place street requiring that it be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Requiring that the section line highway be paved will create a continuous street design extending south from the private access easement and Timberline Trail. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to pave the section line highway, including that portion which abuts the west lot line of the subject property, be denied. (Please note that the applicant also has the option of vacating any portion of the section line highway abutting the subject property that will not be utilized as access.)

Staff has also noted that requiring the installation of curb, gutter, street light conduit, water and sewer along the section line highway will create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, street light conduit, water and sewer along the section line highway be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

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 24, 2005 Planning Commission meeting if this requirement is not met.