

STAFF REPORT
November 23, 2005

No. 05SV076 - Variance to the Subdivision Regulations to waive the requirement to provide a ten foot wide planting screen easement, to waive the requirement to dedicate additional Right-of-Way and to waive the requirement to provide a minimum eight foot wide drainage and utility easement along all interior lot lines as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 45

GENERAL INFORMATION:

PETITIONER	D. C. Scott Company for West River Electric Association
REQUEST	No. 05SV076 - Variance to the Subdivision Regulations to waive the requirement to provide a ten foot wide planting screen easement, to waive the requirement to dedicate additional Right-of-Way and to waive the requirement to provide a minimum eight foot wide drainage and utility easement along all interior lot lines as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot A, Tract 1, Paul Subdivision and Lot W of the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot AR, Tract 1, Paul Subdivision, and Lot WR and the dedicated Reservoir Road Right-of-Way, formerly Lot A, Tract 1, Paul Subdivision and Lot W of the NE1/4 NE1/4, Section 15, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.75 acres
LOCATION	At the southwest corner of the intersection of Long View Road and Reservoir Road
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Planned Unit Development (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	10/28/2005

STAFF REPORT
November 23, 2005

No. 05SV076 - Variance to the Subdivision Regulations to waive the requirement to provide a ten foot wide planting screen easement, to waive the requirement to dedicate additional Right-of-Way and to waive the requirement to provide a minimum eight foot wide drainage and utility easement along all interior lot lines as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 45

REVIEWED BY

Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a ten foot wide planting screen easement be approved.

That the Variance to the Subdivision Regulations to waive the requirement to provide a minimum eight foot wide drainage and utility easement along all interior lot lines be approved.

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Longview Road be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide a ten foot wide planting screen easement, to provide a minimum eight foot wide drainage and utility easement along all interior lot lines and to dedicate additional right-of-way along Longview Road as it abuts the subject property.

On November 21, 2005, the City Council will consider a Preliminary Plat to reconfigure the subject property by moving a common lot line between two lots. (See companion item #05PL122.)

On October 17, 2005, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Longview Road and Reservoir Road as they abut the subject property.

The subject property is located in the southwest corner of the intersection of Reservoir Road and Longview Road. Currently, an electrical substation is located on the site.

STAFF REVIEW:

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

Planting Screen Easement: The Subdivision Regulations requires that a ten foot wide planting screen easement be provided along all arterial streets within a residential development. Longview Road and Reservoir Road are classified as arterial streets on the City's Major Street Plan. However, as noted above, an electrical substation is located on the subject property in lieu of residence(s). As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a ten foot wide planting screen easement be approved.

STAFF REPORT
November 23, 2005

No. 05SV076 - Variance to the Subdivision Regulations to waive the requirement to provide a ten foot wide planting screen easement, to waive the requirement to dedicate additional Right-of-Way and to waive the requirement to provide a minimum eight foot wide drainage and utility easement along all interior lot lines as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 45

Utility and Drainage Easement: The Subdivision Regulations requires that a minimum eight foot wide utility and drainage easement be provided along all interior lot lines. However, the entire property is functioning as a utility easement since it is the location of an electric substation. In addition, the drainage information submitted with the associated Preliminary Plat identifies that a drainage easement is not needed along the interior lot lines of the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a utility and drainage easement along all interior lot lines be approved as requested.

Longview Road: Longview Road is classified as a minor arterial street requiring that it be located in a minimum 100 foot wide right-of-way. Currently, Longview Road is located in a 71 foot wide right-of-way requiring that an additional 14.5 feet of right-of-way be dedicated. As previously indicated, the City Council has granted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Longview Road as it abuts the subject property. However, the City Council has typically required that the additional right-of-way be dedicated to insure that the minimum required right-of-way width exists when the street functions as a minor arterial street. In addition, it insures that the tax payers will not have to purchase the right-of-way when it is needed. As such, staff is recommending that the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied.

Please note that the two lots are currently owned by two separate property owners. West River Electric Association has indicated that they do not object to dedicating that portion of the right-of-way adjacent to their lot. However, the second property owner has indicated that they do not wish to dedicate the right-of-way at this time since their lot is not being developed as a part of this plat action. As such, the Planning Commission and the City Council may wish to waive the requirement to dedicate the right-of-way for Longview Road as it abuts Lot AR until such time as the property is developed and an associated plat is submitted for review and approval for the proposed development.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 23, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.