

STAFF REPORT
January 5, 2006

No. 05SV084 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 51

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for Canyon Springs, LLC
REQUEST	No. 05SV084 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The balance of the N1/2 NW1/4, Section 26; a portion of the E1/2 SE1/4, Section 22; and a portion of the SW1/4 less Fire House Subdivision, less Lot H1 of the SE1/4 SW1/4 and less lot H2 all located in Section 23, T2N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 270.14 acres
LOCATION	8885 Nemo Road
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Pennington County
South:	Pennington County
East:	Pennington County
West:	Pennington County
PUBLIC UTILITIES	Community water and private on-site wastewater
DATE OF APPLICATION	12/9/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Nemo Road be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer along Spur 1-A and 2-F be approved with the following stipulation:

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1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and sewer along Mainline 1, Spur 1-B, Spur 1-C, Spur 1-D, Spur 1-E, Spur 1-F, Spur 1-G, Spur 1-H, Spur 1-J, Spur 1-K, and Spur 1-L be approved with the following stipulations:

1. Upon submittal of a Preliminary Plat application, the applicant shall submit construction plans showing a minimum five foot wide pedestrian walk-way throughout the development; and,
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Mainline 1, Spur 1-A, Spur 1-G, Spur 1-L and Spur 2-F be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Nemo Road and proposed streets within the development. In addition, the applicant has submitted a Layout Plat to subdivide 310.14 acres into 87 residential lots and a 10.699 acre lot separated from the balance of the property by Nemo Road right-of-way. (See companion item #05PL242.)

The property is located approximately three miles northwest of the City limits of Rapid City along Nemo Road and adjacent to the Doty Fire Station. Currently, a single family residence and a barn are located on the property.

STAFF REVIEW:

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

Nemo Road: Nemo Road is located along the east lot line of the subject property and is classified as a principle arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. Currently, Nemo Road is located in a 120 foot wide right-of-way with an approximate 40 foot wide paved surface. Requiring the construction of the additional improvements along Nemo Road as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Spur1-A and 2-F: The Layout Plat identifies Spur 1-A and Spur 2-F as sub-collector streets requiring that they be located in a minimum 52 foot wide right-of-way and constructed with a

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minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has indicated that Spur 2-F will be located in a variable right-of-way width of 100 feet as it intersects with Nemo Road, tapering to 66 feet. In addition, the street will be constructed with two – 15 foot wide paved lanes tapering to a 24 foot wide paved surface and street light conduit. In addition, the applicant has indicated that Spur 1-A will be located in a 66 foot wide right-of-way and constructed with a 24 foot wide paved surface and street light conduit. The applicant has submitted a Variance to the Subdivision Regulations to request to waive the requirement to install curb, gutter, sidewalk, water and sewer along the two streets. The applicant has indicated that the community water system will be extended along all interior lot lines to serve the adjacent lots with the exception of these two streets that function as entryways into the development. In addition, the Layout Plat does not identify any proposed lots along these two streets requiring the extension of utilities. The applicant has also indicated that a pedestrian walkway will be provided throughout the development as a part of the Preliminary Plat application. In addition, the applicant has indicated that the adjacent ditches will be designed to accommodate drainage in lieu of the construction of curb and gutter. Due to the size of the lots proposed and the location of the project partially within the City's platting jurisdiction, staff is recommending that the Variance to the Subdivision Regulations to waive these improvements be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Mainline 1, Spur 1-B, Spur 1-C, Spur 1-D, Spur 1-E, Spur 1-F, Spur 1-G, Spur 1-H, Spur 1-J, Spur 1-K, and Spur 1-L: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and sewer along Mainline 1, Spur 1-B, Spur 1-C, Spur 1-D, Spur 1-E, Spur 1-F, Spur 1-G, Spur 1-H, Spur 1-J, Spur 1-K, and Spur 1-L. The applicant has indicated that the proposed lots will be served by on-site wastewater systems. In addition, the applicant has also indicated that a pedestrian walkway will be provided throughout the development as a part of the Preliminary Plat application. The applicant has also indicated that the adjacent ditches will be designed to accommodate drainage in lieu of the construction of curb and gutter. Due to the size of the lots proposed and the location of the project partially within the City's platting jurisdiction, staff is recommending that the Variance to the Subdivision Regulations to waive these improvements be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Pavement: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Mainline 1, Spur 1-A, Spur 1-G, Spur 1-L and Spur 2-F. In particular, the applicant is proposing to construct a 24 foot wide paved surface along Mainline 1, Spur 1-A and Spur 2-F in lieu of a minimum 27 foot wide paved surface. In addition, the applicant is proposing to construct a 20 foot wide paved surface along Spur 1-G and Spur 1-L in lieu of a minimum 24 foot wide paved surface. However, staff has noted that Spur 1-A and Spur 2-F are sub-collector streets that serve as entryways into the development. As such, a minimum 27 foot wide paved surface must be provided.

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In addition, the applicant has indicated that Mainline 1 will have an approximate 15% grade in lieu of the maximum gradient of 12% and 10% allowed as per the Street Design Criteria Manual and the International Fire Code, respectively. Staff is recommending that the Exception to be granted with the stipulation that the minimum required pavement width be provided to improve vehicular and pedestrian access and safety along the street(s).

The applicant has also requested an Exception to the Street Design Criteria Manual for Spur 1-L to allow a 1,400 foot long cul-de-sac in lieu of a maximum 500 foot long cul-de-sac. Staff is recommending that the Exception be granted with the stipulation that one intermediate turnaround be provided to accommodate fire apparatus and that the street be constructed with a minimum 24 foot wide paved surface as required.

Due to the projected traffic generated by the proposed development, the need to provide safe fire apparatus access throughout the development, the requirement to provide on-street parking/visitor parking and the Exceptions to the Street Design Criteria Manual that have been requested, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide additional pavement be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 5, 2006 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.