

STAFF REPORT
March 23, 2006

No. 06SV012 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Old Folsom Road, the Section Line Highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 33

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Sharon Norman
REQUEST	No. 06SV012 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Old Folsom Road, the Section Line Highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 4 and 5 of Judicial Lot 4, Norman Ranch Subdivision, Section 28, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 173.32 acres
LOCATION	Adjacent to both sides of Norman Ranch Road south of the intersection of Old Folsom Road and Norman Ranch Road
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District - General Agriculture District (Pennington County)
South:	Limited Agriculture District - General Agriculture District (Pennington County)
East:	Limited Agriculture District - General Agriculture District (Pennington County)
West:	Limited Agriculture District - General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	2/27/2006
REVIEWED BY	Vicki L. Fisher / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

STAFF REPORT
March 23, 2006

No. 06SV012 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Old Folsom Road, the Section Line Highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 33

install curb, gutter, sidewalk, street light conduit and sewer along Old Folsom Road, the Section Line Highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code 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 additional pavement along Old Folsom 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 improvement:

That the Variance to the Subdivision Regulations to waive the requirement to install pavement along the section line highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

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 Old Folsom Road, the section line highway(s), the collector street and Norman Ranch Road.

On January 16, 2006, the City Council approved a Layout Plat to subdivide the subject property creating 15 residential lots ranging in size from 10.269 acres to 20.303 acres. (See companion file #05PL242.)

The property is located approximately one mile south of the intersection of Old Folsom Road and S.D. Highway 79 on the south side of Old Folsom Road. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Sidewalks: Sidewalks are required to be constructed along residential lots that abut right-of-way a distance of 200 feet or less. The associated Layout Plat identifies that all but three lots have street frontage in excess of 200 feet. Requiring the construction of a sidewalk along the three lots will create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks be approved with the stipulation that prior to City Council approval, the applicant sign a waiver

STAFF REPORT
March 23, 2006

No. 06SV012 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Old Folsom Road, the Section Line Highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 33

of right to protest any future assessment for the improvement.

Water: The applicant has indicated that the lots will be served by private individual wells. However, staff is concerned that a sufficient water supply may not exist within this area to allow 15 individual wells to serve each of the proposed residential sites. In particular, the individual wells may deplete the water source and, as such, domestic flows may not be available to serve all of the proposed lots. In addition, the Fire Department has indicated that the individual wells will not provide sufficient fire flows. The Fire Department has indicated that individual wells may be allowed when domestic flows are being provided with a stipulation that a note be placed on the plat document stating that all residential structures must be sprinklered. To date, the applicant has not submitted any information identifying that domestic flows can be provided. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water be denied without prejudice. If and/or when the applicant demonstrates that adequate domestic flows can be provided, the applicant may submit a new Variance to the Subdivision Regulations application without paying the application fee.

Old Folsom Road: The associated Layout Plat identifies Old Folsom Road located along the east lot line. The street is classified as a principal arterial street on the City's Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently the street is located in a 66 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface. Requiring the improvement of Old Folsom 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 to waive the improvements along Old Folsom Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Norman Ranch Road: The Layout Plat identifies Norman Ranch Road extending west and south from Old Folsom Road. The street 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, sidewalk, street light conduit, water and sewer. The applicant is proposing to locate the street in a 66 foot wide right-of-way and construct the street with a 24 foot wide graveled surface. In addition, the applicant has indicated that the ditches will be designed to accommodate drainage. Requiring that Norman Ranch Road be paved will result in a continuous street design as it extends off Old Folsom Road. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install pavement be denied. However, due to the size of the proposed lots and the proposed design of the ditches to accommodate drainage, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

STAFF REPORT
March 23, 2006

No. 06SV012 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Old Folsom Road, the Section Line Highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 33

Collector Street: The Layout Plat identifies a collector street extending through the southwest corner of the subject property. The street must be located in a minimum 68 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant is proposing to locate the street in a 68 foot wide right-of-way and construct the street with a 24 foot wide graveled surface. In addition, the applicant has indicated that the ditches will be designed to accommodate drainage. Requiring that the collector street be paved will result in a continuance street design as it extends off Norman Ranch Road. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install pavement be denied. However, due to the size of the proposed lots and the proposed design of the ditches to accommodate drainage, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

East-West Section Line Highway: A section line highway is located along the south lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan. The principal arterial street must be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant is not proposing to improve the section line highway. However, staff has noted that requiring the section line highway to be paved will result in a continuous street design as it extends off Norman Ranch Road. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install pavement be denied. Requiring the balance of the improvements will create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

North-South Section Line Highway: A section line highway is located along the west lot line of the subject property and is classified as a lane place street. The lane place street must be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant is not proposing to improve the section line highway. However, staff has noted that requiring the section line highway to be paved will result in a continuous street design as it extends off the collector street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install pavement be denied. Requiring the balance of the improvements will create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Please note that the applicant also has the option of vacating the section line highway.

STAFF REPORT
March 23, 2006

No. 06SV012 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Old Folsom Road, the Section Line Highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 33

However, a portion of the section line highway is located on an adjacent property under different ownership from the subject property. The Subdivision Regulations states that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivide, the other half shall be platted. No new half-streets shall be permitted". Vacating only that portion of the section line highway located on the subject property will create a half-street. As such, the entire section line highway must be vacated. If the applicant seeks to vacate a portion of the section line highway(s), the adjacent property owner will need to concur in the request or a Variance to the Subdivision Regulations must be obtained to allow platting half a right-of-way.

Noise/Vibration: Basin Electric's converter substation and tie-lines are located adjacent to the subject property. During the review of the SDCL 11-6-19 Review to allow the substation and tie-lines, neighborhood property owner(s) complained of the noise and vibrations generated by the electrical substation and tie-lines. The applicant should be aware that the existing use in such close proximity to the proposed development may have an adverse impact on any future residential use of the subject property.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 23, 2006 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.