

STAFF REPORT

April 6, 2006

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**No. 06SV011 - 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**

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**ITEM 24**

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for Canyon Springs, LLC
REQUEST	<b>No. 06SV011 - 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</b>
EXISTING LEGAL DESCRIPTION	A tract of land located in the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26; T2N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 87, Block 1; Lot 1, Block 2, Canyon Springs Preserve, less Lot 1 of Firehouse Subdivision and the "Nemo" Road right-of-way, formerly the unplatted portion of the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26; T2N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 310.14 acres
LOCATION	Adjacent to the west side of 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	2/10/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

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

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install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the north-south section line highway located adjacent to the west side of Section 26 and the east-west section line highway located adjacent to the south side of Section 22 shall **be continued to the April 20, 2006 Planning Commission meeting to be heard in conjunction with an associated Preliminary Plat.**

### GENERAL COMMENTS:

**(Update, March 24, 2006. All revised and/or added text is shown in bold print.) This item was continued at the March 23, 2006 Planning Commission meeting to allow the applicant to submit a revised plat document and associated construction plans showing the relocation of the access streets as they intersect with Nemo Road. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the April 20, 2006 Planning Commission meeting to allow the applicant additional time to submit the information. Please note that no other part of this Staff Report has been revised.**

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 portions of two section line highway(s). In addition, the applicant has submitted a Preliminary 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 #06PL025.)

On January 16, 2006, the City Council approved a Layout Plat to subdivide the subject property as shown as this Preliminary Plat. In addition, a Variance to the Subdivision Regulations was approved as follows:

- To waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Nemo Road with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements;
- To waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Blazin Saddles and the first 750 feet of Emerald Ridge as it extends west from Nemo Road with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements; and,
- To waive the requirement to install curb, gutter, sidewalk, and sewer along the balance of the interior streets with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements and that a minimum five foot wide pedestrian walk-way be provided throughout the development.

The City Council also granted the following Exceptions to the Street Design Criteria Manual:

- To allow a 1,400 foot long cul-de-sac in lieu of a maximum 500 foot long cul-de-sac for Gold Creek 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;

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- To allow a 655 foot long cul-de-sac in lieu of a maximum 500 foot long cul-de-sac for Diamond Oak with the stipulation that the street be constructed with a minimum 24 foot wide paved surface; and,
- To allow a 15% gradient along a portion of Emerald Ridge in lieu of a maximum 12% gradient as per the Street Design Criteria Manual and a maximum 10% gradient as per the International Fire Code with the stipulation that the street be constructed with a minimum 27 foot wide paved surface.

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:

Section Line Highway: A north-south section line highway and an east-west section line highway extend through the subject property. The section line highways are classified as sub-collector streets requiring that they be constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. To date, the section line highways are unimproved. The applicant has indicated that the north-south section line highway located adjacent to the west side of Section 23 and the east-west section line highway located adjacent to the south side of Section 23 will be vacated and/or relocated. However, the applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the north-south section line highway located adjacent to the west side of Section 26 and the east-west section line highway located adjacent to the south side of Section 22. These two section line highways are abutting property owned by the United States of America. South Dakota Codified Law precludes the vacation of a section line highway that may serve as access to public property. Relocating the above referenced section line highway(s) as identified will also insure access is being provided from Nemo Road to the public property. Staff is recommending that the Variance to the Subdivision Regulations as requested be approved with the stipulation that a waiver of right to protest any future assessment for the improvement.

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 9, 2006 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.