

STAFF REPORT
May 25, 2006

No. 06SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 48

GENERAL INFORMATION:

PETITIONER	Centerline for Magheramore, LLC
REQUEST	No. 06SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of the NE1/4 lying west of the Railroad right-of-way, located in the N1/2 NW1/4, Section 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 18, Darlington Estates, formerly a portion of the NE1/4 lying west of the Railroad right-of-way, located in the N1/2 NW1/4, Section 34, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 100 acres
LOCATION	Southeast of the intersection of Old Folsom Road and Lamb Road
EXISTING ZONING	Low Density Residential District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	4/28/2006
REVIEWED BY	Vicki L. Fisher / Emily Fisher

RECOMMENDATION:

If the Planning Commission determines it is appropriate, an Exception to waive the requirement to provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence is hereby granted with the stipulation that the streets be posted with

STAFF REPORT
May 25, 2006

No. 06SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 48

no parking signs and that a note be placed on the plat stating that no further platting of the lots shall be allowed;

Staff recommends that the Variance to the Subdivision Regulations to allow a lot twice as long as wide be approved.

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer along Lamb Road, Hidalgo Court and Kimbrewich 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;

An Exception to reduce the driveway separation from 35 feet to five feet is hereby granted;

An Exception to allow a 1,250 foot long cul-de-sac with an intermediate turnaround approximately 875 feet in lieu of a maximum 1,200 foot long cul-de-sac with an intermediate turnaround every 600 feet is hereby granted.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer along Lamb Road, Hidalgo Court and Kimberwick Road. In addition, the applicant has submitted a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide. The applicant has also submitted requests for three Exceptions to the Street Design Criteria Manual:

- 1) To reduce the separation between driveways from 35 feet to zero feet;
- 2) To waive the requirement to provide visitor parking at the rate of one paved parking stall per dwelling unit located within 300 feet of the residence; and,
- 3) To allow a 1,250 foot long cul-de-sac with an intermediate turnaround approximately 875 feet in lieu of a maximum 1,200 foot long cul-de-sac with an intermediate turnaround every 600 feet.

On January 19, 2004, the City Council approved a Layout Plat to subdivide the subject property into ten lots. In addition, a Variance to the Subdivision Regulations was approved in part and denied in part as follows:

“Deny the Variance to the Subdivision Regulations to waive the requirement to install a 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer along the section line highway; and that the Variance to the Subdivision Regulations to waive the requirement to pave Old Folsom Road be approved for that portion lying adjacent to the southwest corner of proposed Lot 3 with the stipulation that a waiver of right to protest a future assessment for all improvements be provided upon Preliminary Plat application submittal; deny the Variance to the Subdivision Regulations to waive the requirement to pave the private access easement and the 52 foot wide right-of-way cul-de-sac; approve the Variance to the Subdivision Regulations to provide a planting screen easement; and approve the

STAFF REPORT
May 25, 2006

No. 06SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 48

Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Lamb Road, the private access easement and the 52 foot wide right-of-way cul-de-sac with the following stipulations: 1) Upon submittal of a Preliminary Plat, road construction plans showing the 52 foot wide right-of-way cul-de-sac being constructed with a minimum 20 foot wide paved surface shall be submitted for review and approval. In addition the bulb of the cul-de-sac shall be located within a minimum 110 foot diameter right-of-way and constructed with a minimum 92 foot wide paved surface; 2) Upon submittal of a Preliminary Plat, road construction plans showing the private access easement being constructed with a minimum 20 foot wide paved surface shall be submitted for review and approval; and 3) Upon submittal of a Preliminary Plat, the applicant shall sign a waiver of right to protest a future assessment for the curb, gutter, street light conduit, sewer and water improvements along Lamb Road, the private access easement and the 52 foot wide right-of-way cul-de-sac street”.

On September 7, 2004, the City Council approved a Preliminary Plat to subdivide the subject property into nine lots. No Final Plat applications have been submitted for the subject property. However, the two internal streets have been constructed with a 20 foot wide paved surface.

On March 20, 2006, the City Council approved a revised Layout Plat to subdivide the subject property into 18 lots. Please note that the previously approved and/or denied Variance to the Subdivision Regulations does not apply to the new plat. As such, the applicant has submitted the Variance to the Subdivision Regulations request as identified above.

STAFF REVIEW:

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

Lot Configuration: The Subdivision Regulations states that “...for lots in residential districts having a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width”. The proposed Layout Plat identifies that seven of the lots will have a length twice the distance of the width.

The lots are located along the terminus of the cul-de-sac streets. Due to the design of cul-de-sac streets, there is limited lot frontage along the roadway. The subdivision design as shown on this plat is reasonable for the site. In addition, the lot configuration does not create any significant difficulties for use or maintenance. As such, staff is recommending that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be approved.

Lamb Road: Lamb Road is located along the north lot line of the subject property and is classified as a principal arterial street on the City’s Major Street Plan. To date, curb, gutter, sidewalk, sewer and water have not been constructed along Lamb Road. Requiring the

STAFF REPORT
May 25, 2006

No. 06SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 48

improvements to Lamb Road as it abuts the subject property will create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Sidewalk: The Zoning Ordinance states that a sidewalk is not required along lots in excess of 200 feet. Seven of the proposed 18 lots abut right-of-way for a distance of less than 200 feet. Requiring a sidewalk along these seven lots will create a discontinuous street design. In addition, all of the lots are a minimum five acres in size. In the past, the City Council has granted similar Variance requests when the lots were in excess of five acres and when requiring the improvement would create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Hidalgo Court/Kimberley Road: Hidalgo Court and Kimberley Road are classified as lane place streets. A 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 or located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface if visitor parking is provided, in lieu of on street parking, at a rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street posted with no parking signs. The Layout Plat identifies the streets to be located in a 50 foot wide and a 52 foot wide right-of-way, respectively. In addition, the two streets are currently constructed with a 20 foot wide paved surface.

The Pennington County Highway Department has indicated that the construction of ditches along the two streets will serve to accommodate drainage flows from the proposed development. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements along the two streets.

As previously indicated, the property is located outside of the City sewer and water service boundaries. The City water and sewer is currently located approximately one mile north of the subject property. To date, no current design plans for the extension of the utilities exist. As such, requiring the improvement at this time may not coordinate with the actual design elevation for the sewer and water. In addition, the applicant has submitted documentation identifying the various aquifers that exist on the property. The applicant should be aware that it has not been proven that the water supply in the Morrison Aquifer will support the proposed development and, as such, may require that property owners tap into deeper aquifers resulting in more cost to the land owner. Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water 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
May 25, 2006

No. 06SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 48

Visitor Parking: As noted above, Hidalgo Court and Kimberley Road have been constructed with a 20 foot wide paved surface requiring that visitor parking be provided in lieu of on street parking at a rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street posted with no parking signs. The applicant has requested an Exception to the Street Design Criteria Manual to waive the requirement to provide visitor parking due to the size of the lots. In particular, the applicant anticipates that visitor parking will be provided on each lot within close proximity to the residence. In the past, the Planning Commission and the City Council have granted similar Exception requests for Canyon Springs Preserve and Falcon Crest Subdivision since the lots were larger in size. If the Planning Commission determines it is appropriate, the Exception may be granted as requested with the stipulation that the streets be posted with no parking signs and that a note be placed on the plat stating that no further platting of the lots shall be allowed.

Driveway Separation: The Street Design Criteria Manual requires a minimum 35 foot separation between driveways. The applicant has submitted an Exception to reduce the separation from 35 to zero feet between Lots 4 and 5 and Lots 14 and 15, respectively. In particular, the four lots are designed as flagpole lots with the minimum required 25 foot frontage abutting the adjacent rights-of-way. Due to the limited street frontage, staff is recommending that the Exception be granted to reduce the separation between the driveways. However, providing a five foot separation in lieu of a zero foot separation will maintain a physical separation between the two driveways. As such, staff is recommending that the Exception be granted to reduce the driveway separation from 35 feet to five feet. The applicant also has the option of showing a shared 40 foot by 40 foot shared approach between the lot(s) and constructed one shared approach eliminating the need to obtain the driveway separation Exception.

Cul-de-sac Length: Currently, Kimberley Road has been constructed as an approximate 1,250 foot long cul-de-sac street with an intermediate turnaround located approximately 875 feet from the intersection of Lamb Road. The Street Design Criteria Manual states that a cul-de-sac street shall not exceed 1,200 feet and that an intermediate turnaround shall be provided every 600 feet. As such, the applicant has requested an Exception to allow the street design as identified. The Fire Department has indicated that the existing turnaround and future driveways along the street will provide fire apparatus access. As such, staff is recommending that the Exception to allow a 1,250 foot long cul-de-sac with an intermediate turnaround approximately 875 feet in lieu of a maximum 1,200 foot long cul-de-sac with an intermediate turnaround every 600 feet be granted.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the may 25, 2006 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.