

STAFF REPORT

July 6, 2006

No. 06SV035 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, additional pavement, additional right-of-way and sewer as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06SV035 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, additional pavement, additional right-of-way and sewer as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A parcel of land described as the SW1/4 SE1/4 SE1/4 NE1/4; SE1/4 SW1/4 SE1/4 NE1/4; NW1/4 NE1/4 NE1/4 SE1/4; NE1/4 NW1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1, 2 and 3, Seljeskog Subdivision, located in the SE1/4 NE1/4 NE1/4 SE1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.00 acres
LOCATION	2151 Skyline Ranch Road
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Park Forest District
East:	Park Forest District
West:	Park Forest District
PUBLIC UTILITIES	City water and on site septic system
DATE OF APPLICATION	5/26/2006
REVIEWED BY	Karen Bulman / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved along the access easements.

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Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement to meet a required 22 foot width along the access easements be denied without prejudice.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install additional right-of-way along the access easements as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS: This staff report has been revised as of June 30, 2006. All revised and/or added text is shown in bold print. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, additional pavement and additional right-of-way along the access easements as per Chapter 16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into three lots. (See companion item #06PL082.)

The property is located at 2151 Skyline Ranch Road, west of Tower Road and south of Skyline Drive. Currently, the property includes a residential structure and garage. On July 17, 1996, the Zoning Board of Adjustment approved a variance to Chapter 17.08.040E to allow a dwelling on a lot that does not abut a public street for a distance of not less than 50 feet in the Park Forest Zoning District.

STAFF REVIEW: Staff has reviewed the Preliminary Plat application and the Variance to the Subdivision Regulations and noted that additional information is needed in order to complete the review of these applications. A 1932 recorded deed indicates that a 30 foot centerline right-of-way is located on the property. However, that information was not included in the plat drawing. The right-of-way must be shown on the plat and the applicant must improve the right-of-way to the City's Subdivision standards or obtain a variance for the improvements. The Subdivision Variances requested for the improvements cannot be evaluated without additional street construction information for the access easement. Three exceptions to Rapid City's Design Standard and Criteria have been requested including: an exception to provide common use visitor parking, an exception to provide a turnaround in the cul-de-sac, and an exception to the cul-de-sac length. Those exceptions are currently being evaluated by staff. In order for staff to review the Preliminary Plat and make a recommendation to the Planning Commission, additional information is necessary.

The applicant has provided additional information and staff has reviewed the Subdivision Variance application and noted the following:

Subdivision Variances: The applicant has submitted a request for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, additional pavement, additional right-of-way and sewer as per Chapter 16.16 of the Rapid City Municipal Code. The variances were for two access

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easements as indicated on the Preliminary Plat. The first access easement is located in a north/south direction and is indicated as the access to the three proposed lots and is currently the access easement for the existing residential structure. The second access easement is located in the northeast portion of the subject property and allows access from an adjoining lot to the lots located north of the subject property as part of Skyline Ranch Road. Staff has reviewed the request and has noted that the surrounding area is typical of rural settings with large lots. City sewer is not available to the property and is not foreseeable in the near future. As such, staff is recommending that the Variance to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer be approved for the access easements.

Staff has reviewed the request to waive the requirement for additional pavement and additional right-of-way. Access to three lots is being provided from the first north/south access easement. The second access easement at the northeast portion of the property is a portion of Skyline Ranch Road that serves the properties located north of the subject property. Due to the location of the subject property in a high wildland fire area, staff believes that the additional right-of-way is needed for any development of the area and that the additional pavement is needed. As such, staff recommends that the request to waive the additional pavement and additional right-of-way be denied.

As the property is located in a wildland fire area, a mitigation plan is requested. If the mitigation plan is approved by the Fire Department, the requirements for a subcollector street will be reduced to a lane/place street. In that instance, the required width of the right-of-way is 45 feet with a 20 foot wide pavement width. As such, the Variance request to waive the additional right-of-way will not be needed and that request can be denied without prejudice. However, the additional pavement width of 20 feet will still be needed and Staff would recommend that the Variance to waive the additional pavement be denied. (Revised 6-30-06)

Notification Requirement: As of this writing, the receipts from the certified mailing have been returned. Staff has received **one inquiry** regarding the proposed request at the time of this writing. **The owners of property to the north of the subject property have indicated that they wish to have access through the subject property as indicated on 1932 Deed Record No. 52. The owners have submitted their request in writing to the Planning Commission. (Revised 6-30-06)**

Staff is recommending that the Variance to the Subdivision Regulations **be denied in part and approved in part with the stated stipulation. (Revised 6-30-06)**