

STAFF REPORT
October 5, 2006

No. 06SV049 - Variance to the Subdivision Regulations to reduce the right-of-way from 49 feet to 25 feet along an access easement and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 47

GENERAL INFORMATION:

PETITIONER	Renner & Associates for Royal Nielsen
REQUEST	No. 06SV049 - Variance to the Subdivision Regulations to reduce the right-of-way from 49 feet to 25 feet along an access easement and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot A, formerly a portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.251 acres
LOCATION	West of Hillside Drive and North of SD Highway 44
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Commercial District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	7/28/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to install curb, gutter, street light conduit and pavement along the access easement be denied. In

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ITEM 47

particular, the street shall be constructed with a minimum 20 foot wide paved surface, curb, gutter and street light conduit. In addition, one paved visitor parking space shall be provided within 300 feet of the proposed residence and the access easement shall be posted with no parking signs or an Exception shall be obtained to waive the requirement to provide visitor parking;

That the Variance to the Subdivision Regulations to reduce the right-of-way width from 49 feet to 25 feet along the access easement be approved with the stipulation that a minimum 45 foot wide right-of-way and/or easement be dedicated;

That the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along the access easement be approved; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the access easement be approved with the stipulation that a sidewalk be provided along one side of the access easement.

GENERAL COMMENTS:

(Update, September 23, 2006. All revised and/or added text is shown in bold print.) This item was continued at the September 21, 2006 Planning Commission meeting to allow the applicant to submit additional information. The applicant subsequently submitted water and sewer construction plans showing the extension of service lines to the subject property and drainage information. In addition, on September 18, 2006, the City Council approved an Exception to allow 89 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual.

(Update, September 8, 2006. All revised and/or added text is shown in bold print.) This item was continued at the September 7, 2006 Planning Commission meeting to allow the applicant to submit additional information. On August 22, 2006, the applicant submitted a structural site plan showing the location of the existing mobile homes and parking along the proposed access easement. However, to date, the balance of the additional information has not been submitted. As such, staff is recommending that this item be continued to the October 5, 2006 Planning Commission meeting.

(Update, August 25, 2006. All revised and/or added text is shown in bold print.) This item was continued at the August 24, 2006 Planning Commission meeting to allow the applicant to submit additional information. On August 22, 2006, the applicant submitted a structural site plan showing the location of the existing mobile homes and parking along the proposed access easement. However, to date, the balance of the additional information has not been submitted. As such, staff is recommending that this item be continued to the October 5, 2006 Planning Commission meeting.

The applicant has submitted a Variance to the Subdivision Regulations to reduce the

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October 5, 2006

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ITEM 47

easement width from 49 feet to 25 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a proposed private access easement. In addition, the applicant has submitted a Preliminary Plat to create a .596 acre lot leaving a 6.655 non-transferable balance. (See companion item #06PL127.)

The property is located west of Hillside Drive and north of S.D. Highway 44. Currently, two single family residences, three storage sheds, a garage and a commercial shop are located on the proposed non-transferable balance. A structural foundation has been constructed on the proposed .596 acre lot.

STAFF REVIEW:

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

Pavement/Easement Width: The applicant has submitted a copy of an Exhibit "A" showing a proposed 25 foot wide private access easement extending west from Hillside Drive across a lot located south of the subject property to serve as access to the proposed lot. Currently, several mobile homes are located on the adjacent property. The existing driveway within the mobile home court is being proposed as an access street to the subject property. In addition, the existing driveway has been constructed with an approximate 24 foot wide graveled surface. The proposed easement extends beyond the existing driveway for a distance of approximately 60 feet. A dirt trail exists in this portion of the easement. The proposed private access easement is classified as a lane place street requiring that it be located in a minimum 49 foot wide right-of-way and/or easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or the street must be located in a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. If on-street parking is not provided, the developer must provide visitor parking at the rate of one paved parking stall per dwelling located within three hundred feet of the residence and the street must be posted with no parking signs or a Variance to the Subdivision Regulations must be obtained.

As noted above, the access easement extends west off Hillside Drive and is a separate street section from Hillside Drive. Even though Hillside Drive is an approximate 20 foot wide graveled street, requiring the construction of pavement along the access easement would not create a discontinuous street section as it is a separate street. In addition, the Pennington County Fire Department staff and the City Fire Department staff have noted that the northern 60 foot dirt trail, extending to the south lot line of the subject property, does not provide fire apparatus access. As such, staff is recommending that the access easement be paved with a minimum 20 foot wide paved surface, curb, gutter and street light conduit. In addition, one paved

STAFF REPORT
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ITEM 47

visitor parking space must be provided within 300 feet of the proposed residence and the access easement must be posted with no parking signs or an Exception must be obtained to waive the requirement to provide visitor parking.

The applicant's site plan identifies that there is currently a minimum 45 foot wide clear area between the mobile homes located on either side of the proposed access easement. Staff is recommending that the proposed access easement document be revised to provide a minimum 45 foot wide access easement in lieu of the proposed 25 foot wide easement. This would not require the mobile homes to be relocated; however as the mobile homes are replaced, the 45 foot wide access easement would be clear. In particular, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to reduce the right-of-way width from 49 feet to 25 feet along the access easement be approved with the stipulation that a minimum 45 foot wide right-of-way and/or easement be dedicated.

Curb and Gutter: The applicant has not submitted any drainage information demonstrating that drainage is being accommodated along the access easement in consideration of waiving curb and gutter. As such, staff is recommending that the Variance to the Subdivision Regulations to waive curb and gutter be denied.

Street Light Conduit: The requirement to provide street light conduit does not require that a street light be placed as a part of platting the property. However, providing the conduit at this time allows the placement of a street light in the future if and/or when, it is needed. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied.

Water and Sewer: As noted above, the applicant has submitted water and sewer construction plans showing the extension of service lines to the subject property within an existing 25 foot wide utility easement. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along the access easement be approved.

Sidewalk: The City Council continues to voice concern with the lack of sidewalks along streets to provide pedestrian access and to provide a safe place for children to play. As such, staff is recommending that the requirement to install sidewalks be approved with the stipulation that they be provided along one side of the street.

Legal Notification Requirement: The receipts from the certified mailings have been returned. To date, staff has received two calls inquiring about this proposal.