

# STAFF REPORT

October 5, 2006

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**No. 06SV058 - Variance to the Subdivision Regulations to allow platting half a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water sewer and pavement as per Chapter 16 of the Rapid City Municipal Code**

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**ITEM 32**

## GENERAL INFORMATION:

PETITIONER	Sperlich Construction
REQUEST	<b>No. 06SV058 - Variance to the Subdivision Regulations to allow platting half a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water sewer and pavement as per Chapter 16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	A portion of the SE1/4, less Steen Subdivision and less right-of-way, Section 25, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.582 acres
LOCATION	Southeast of the intersection of Redemption Road and Testimony Trail
EXISTING ZONING	Planned Unit Development
SURROUNDING ZONING	
North:	General Agriculture District
South:	Planned Unit Development
East:	General Agriculture District
West:	Planned Unit Development
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	9/8/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

## RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow platting half a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16 of the Rapid City Municipal Code on Testimony Trail and Radar Hill 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.

Staff recommends that the 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 of

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the Rapid City Municipal Code along the access easement be denied.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to allow platting half a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water sewer and pavement as per Chapter 16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Preliminary Plat application to subdivide one 8.6 acre lot (See associated item 06PL149.)

The property is currently zoned General Agricultural District in Pennington County and is located south of the terminus of Testimony Trail and west of Radar Hill Road. A portion of the subject property is located within the 1.25 mile platting jurisdiction of Rapid City surrounding the Rapid City Regional Airport. The remainder of the subject property is located within the Pennington County platting jurisdiction. Currently, the subject property is void of structural development.

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

Testimony Trail: Testimony Trail is located along the west lot line of the subject property and is classified as a collector street on the City's Major Street Plan requiring that the street be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. The plat identifies 66 feet of right-of-way for Testimony Trail. Staff noted that constructing Testimony Trail would create a discontinuous street section. In the past, City Council has supported a Variance to the Subdivision Regulations when a discontinuous street section is created. Staff also noted that the proposed portion of Testimony Trail is within the platting jurisdiction of Pennington County. As such, staff recommends that the Variance to the Subdivision Regulations to waive the improvements of pavement, curb, gutter, sidewalk, street light conduit, water and sewer on Testimony Trail be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for the improvements.

Section Line Highway/Radar Hill Road: A section line highway is located along the east lot line of the subject property. The east half of the section line highway is located on adjacent properties under different ownership from the subject property. The Subdivision Regulations state that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted". In particular, Radar Hill Road is identified as a proposed principal arterial street on the Major Street Plan requiring a minimum 100 foot of right-of-way. Staff noted that in the past, Planning Commission and City Council have supported dedicating only half of a section line highway when the adjacent properties are under different ownership. Staff also noted that constructing Radar Hill Road as a collector street would create a discontinuous street section and that a portion of the subject property is located within the platting jurisdiction of Pennington County. As such, staff recommends that the Variance to the Subdivision Regulations to waive the improvements of pavement, curb, gutter, sidewalk, street light

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conduit, water and sewer on Radar Hill Road be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for the improvements.

Access Easement: An access easement is proposed along a portion of the north lot line of the subject property and is classified as a lane/place street requiring that the street be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. The plat identifies 50 foot wide proposed access easement. In the past staff has not supported a Variance to the Subdivision Regulations to waive the improvements of pavement, curb, gutter, sidewalk, street light conduit, water and sewer when a new street is created. However, staff also noted that constructing the access easement to City of Rapid City Street Design Criteria Manual Standards would create a discontinuous street section. As such, staff recommends that the Variance to the Subdivision Regulations to waive the improvements of pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement be denied.