

STAFF REPORT
May 24, 2007

No. 06SV066 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement; and to allow 10 foot wide dirt road to serve as access to Lot 1 and to allow Wilderness Canyon Road to remain a 24 foot paved street with water as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Boschee Engineering for Dr. Don Oliver
REQUEST	No. 06SV066 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement; and to allow 10 foot wide dirt road to serve as access to Lot 1 and to allow Wilderness Canyon Road to remain a 24 foot paved street with water as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 38.75 acres
LOCATION	Northwest of the intersection of Wilderness Canyon Road and 47th Avenue West
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Highway Services District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Highway Services District (Pennington County)
PUBLIC UTILITIES	Private water and on-site wastewater
DATE OF APPLICATION	10/13/2006
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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 along Wilderness Canyon 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 assessments for the improvements;**

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

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to pave the access easement be denied.

GENERAL COMMENTS:

(Update, May 14, 2007. All revised and/or added text is shown in bold print.) This item was continued at the May 10, 2007 Planning Commission meeting to allow staff to review water well information and a utility master plan submitted on April 26, 2007.

(Update, April 27, 2007. All revised and/or added text is shown in bold print.) This item was continued at the April 26, 2007 Planning Commission meeting to allow the applicant to submit additional information. On April 26, 2007, the applicant submitted water well information and a utility master plan. Staff is recommending that this item be continued to the May 24, 2007 Planning Commission meeting to allow staff to review the recently submitted information.

(Update, April 14, 2007. All revised and/or added text is shown in bold print.) This item was continued at the April 5, 2007 Planning Commission meeting to allow the applicant to submit additional information. On February 23, 2007, the applicant submitted soil percolation test information and a site plan showing the existing development on proposed Lots 1 and 3 and proposed development on proposed Lot 2. However, to date, a water system analysis including data from an existing well and a utility master plan showing private utilities such as telephone, electric, etc. have not been submitted for review and approval. As such, staff is recommending that this item be continued to the May 10, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

(Update, March 24, 2007. All revised and/or added text is shown in bold print.) This item was continued at the March 22, 2007 Planning Commission meeting to allow the applicant to submit additional information. On February 23, 2007, the applicant submitted soil percolation test information and a site plan showing the existing development on proposed Lots 1 and 3 and proposed development on proposed Lot 2. However, to date, a water system analysis including data from an existing well and a utility master plan showing private utilities such as telephone, electric, etc. have not been submitted for review and approval. As such, staff is recommending that this item be continued to the April 26, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

(Update, March 10, 2007. All revised and/or added text is shown in bold print.) This item was continued at the March 8, 2007 Planning Commission meeting to allow the applicant to

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submit additional information. On February 23, 2007, the applicant submitted soil percolation test information and a site plan showing the existing development on proposed Lots 1 and 3 and proposed development on proposed Lot 2. However, to date, a water system analysis (such as data from an existing well), depth to ground water data and a utility master plan showing private utilities such as telephone, electric, etc. have not been submitted for review and approval. As such, staff is recommending that this item be continued to the April 5, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

(Update, February 26, 2007. All revised and/or added text is shown in bold print.) This item was continued at the February 22, 2007 Planning Commission meeting to allow the applicant to submit additional information. On February 23, 2007, the applicant submitted soil percolation test information and a site plan showing the existing development on proposed Lots 1 and 3 and proposed development on proposed Lot 2. However, to date, a water system analysis (such as data from an existing well), depth to ground water data and a utility master plan showing private utilities such as telephone, electric, etc. have not been submitted for review and approval. As such, staff is recommending that this item be continued to the March 22, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

(Update, February 9, 2007. All revised and/or added text is shown in bold print.) This item was continued at the February 8, 2007 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the March 8, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

(Update, January 26, 2007. All revised and/or added text is shown in bold print.) This item was continued at the January 25, 2007 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the February 22, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

(Update, December 12, 2006. All revised and/or added text is shown in bold print.) This item was continued at the December 7, 2006 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the January 25, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

(Update, November 25, 2006. All revised and/or added text is shown in bold print.) This

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item was continued at the November 22, 2006 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the January 4, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

(Update, November 10, 2006. All revised and/or added text is shown in bold print.) This item was continued at the November 9, 2006 Planning Commission meeting at the applicant's request in order to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the December 7, 2006 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Wilderness Canyon Road and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into three residential lots. The applicant has also submitted an Exception to the Street Design Criteria Manual to allow 156 dwelling units with one point of access in lieu of 40 dwelling units. (See companion item #06PL169.)

On June 19, 2006, the City Council approved a Layout Plat to subdivide the subject property into two lots. In addition, the City Council approved an Exception to the Street Design Criteria Manual to allow 155 dwelling units with one point of access in lieu of 40 dwelling units. (See companion item #06PL046.)

STAFF REVIEW:

During the review of the Preliminary Plat and the Variance to the Subdivision Regulations applications, staff has noted that additional information must be submitted to adequately review the requests. In particular, staff noted that a site plan showing the location of the existing residence(s), well(s), septic tanks and drainfields, shed(s), etc. must be submitted for review and approval. In addition, a water system analysis prepared by a Registered Professional Engineer and an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. In particular, the information must include percolation test data and location as well as soil profile data and locations. In addition, data must be submitted identifying the depth to ground water. Staff also noted that a utility master plan showing private and public utilities must be submitted for review and approval.

As noted above, the applicant has submitted percolation test data, water well information and a utility master plan. Staff has subsequently reviewed the Variance

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to the Subdivision Regulations and has noted the following considerations:

Wilderness Canyon Road: Wilderness Canyon Road is located along the east lot line of the subject property and is classified as a sub-collector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Wilderness Canyon Road is located in a 66 foot wide right-of-way and is constructed with a 24 foot wide paved surface and water. Requiring that Wilderness Canyon Road be improved with curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as it abuts the subject property will create a discontinuous street section. In the past, the Planning Commission and the City Council have granted similar requests when the improvement would create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivisions to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement 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.

Access Easement: The plat document identifies an access easement extending across Lot 3 to serve Lot 1. The access easement is classified as a lane place street requiring that the street be located in a minimum 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The Preliminary Plat identifies the street located in a 49 foot wide easement and is currently constructed with an approximate ten foot wide dirt road. The applicant has submitted water well data, percolation test data and soil profile data demonstrating that on-site water and wastewater systems can serve the subject property. In addition, the applicant has demonstrated that curb and gutter are not needed along the access easement to accommodate drainage. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer be approved.

However, Wilderness Canyon Road is currently paved. Extending the pavement along the access easement will provide a continuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to pave the access easement be denied.

Staff has also noted that the installation of street light conduit does not require that a street light be placed but secures the opportunity if the need arises. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied.

Legal Notification Requirement: The receipts from the certified mailings have been returned.

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Staff has received one telephone call of inquiry. The caller did not indicate any opposition to the request.