

STAFF REPORT

July 5, 2007

No. 07SV032 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 38

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers, Inc. for Mark and Jana Koupal
REQUEST	No. 07SV032 - Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S. R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Koupal Estates Subdivision, located in the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 50 acres
LOCATION	23774 Wallace Street
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District - Planned Unit Development (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	6/7/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

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 Wallace

STAFF REPORT
July 5, 2007

No. 07SV032 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 38

Street be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;
2. Marie Lane, Roland Drive and Wallace Street shall be improved as needed to insure that a minimum 20 foot wide graveled access road is being provided to serve as access from Neck Yoke Road to the subject property. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of Wallace Street with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter graveled surface;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highways be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,
2. The plat document shall be revised to show the dedication of a 33 foot wide right-of-way along the west and south lot lines, respectively, for that portion of the section line highway(s) located on the subject property.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Wallace Street and two section line highway(s) as they abut the subject property. In addition, the applicant has submitted a Layout Plat (File #07PL080) to subdivide the subject property, two deeded parcels, into two platted lots.

The subject property is located east of Neck Yoke Road, at the southern terminus of Wallace Street. Currently, a residence, garage and three sheds are located on proposed Lot 1. Proposed Lot 2 is currently void of any structural development.

STAFF REVIEW:

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

Wallace Street: Wallace Street, a cul-de-sac street, is located along the west lot line of the subject property and is classified as a Lane Place street. Currently, Wallace Street is located within a 66 foot wide section line highway and constructed with an approximate 18 to 20 foot wide graveled surface. 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 with on-street parking or the street must be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer with no on-street parking. In the past, the Planning Commission and the City Council have granted similar Variance requests when the associated plat did not result in any increase in density and when the improvement would create a discontinuous street section. The associated Layout Plat

STAFF REPORT
July 5, 2007

No. 07SV032 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 38

identifies platting two existing parcels into two lots with no increase in density. In addition, Wallace Street and the adjoining streets within this area are currently constructed with an approximate 18 to 20 foot wide graveled surface. The Fire Department has indicated that they can support the proposed Variance request contingent upon a minimum 20 foot wide access street being provided from the subject property to Neck Yoke Road. In addition, the cul-de-sac at the end of Wallace Street must be constructed as per the Street Design Criteria Manual in order to provide fire apparatus turnaround. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Wallace Street 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 and that Marie Lane, Roland Drive and Wallace Street be improved as needed to insure that a minimum 20 foot wide graveled access road is being provided to serve as access from Neck Yoke Road to the subject property. In addition, the construction plans must identify the construction of a permanent turnaround at the end of Wallace Street with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter graveled surface.

Section Line Highways: A section line highway is located along the west lot line and the south lot line of the subject property, respectively. The section line highways are classified as lane place streets requiring that they 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. The west half and the south half of the section line highways are 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". As such, the adjacent property owners must participate in the platting of the west half and the south half of the section line highways. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to dedicate the additional right-of-way and to waive the requirement to improve the section line highways. As noted above, in the past, the Planning Commission and the City Council have granted similar Variance requests when the associated plat did not result in any increase in density and when the improvement would create a discontinuous street section. The associated Layout Plat identifies platting two existing parcels into two lots with no increase in density. In addition, with the exception of Wallace Street, the section line highways are unimproved. 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. In addition, the plat document must be revised to show the dedication of a 33 foot wide right-of-way along the west and south lot lines, respectively, for that portion of the section line highway(s) located on the subject property.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the July 5, 2007 Planning Commission meeting if this requirement has not been met.