

STAFF REPORT
September 20, 2007

No. 07SV040 - Variance to the Subdivision Regulations to waive the requirement that no new half-streets shall be permitted as per Chapter 16.12.050 of the Rapid City Municipal Code along the adjacent section line highways

ITEM 46

GENERAL INFORMATION:

APPLICANT	Joe L. Ratigan
AGENT	Janelle Fink for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Joe Ratigan
REQUEST	No. 07SV040 - Variance to the Subdivision Regulations to waive the requirement that no new half-streets shall be permitted as per Chapter 16.12.050 of the Rapid City Municipal Code along the adjacent section line highways
EXISTING LEGAL DESCRIPTION	The NE1/4 NE1/4 NE1/4 and the SE1/4 NE1/4 NE1/4 of Section 14, T1N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Ratigan Subdivision, located in the NE1/4 NE1/4 NE1/4 and the SE1/4 NE1/4 NE1/4 of Section 14, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20.08 acres
LOCATION	8115 West Highway 44
EXISTING ZONING	General Agriculture District - Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District - Limited Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	7/17/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement that no new half-streets shall be permitted as per Chapter 16.12.050 of the Rapid City Municipal Code along the adjacent section line highways be approved.

GENERAL COMMENTS:

(Update September 14, 2007. All revised text is shown in bold)

On September 4, 2007 staff met with the applicant to discuss the Variance to the Subdivision Regulations request. Staff has noted that the applicant is not increasing density as a result of subdividing the property, and that currently all adjacent property abutting the section line highway currently has legal means of access. The applicant will dedicate half of the required right-of-way along the section line highway(s) at this time and the remainder of the right-of-way will be dedicated when the adjacent property is subdivided. Both section line highways abutting the property are classified by the Street Design Criteria Manual as Lane/ Place streets requiring 49 foot right-of-way width. Staff recommends that the Variance to the Subdivision Regulations request to waive the requirement that no new-half streets be permitted along the section line highways be approved, and that the applicant revise the associated plat document to dedicate 24.5 feet or right-of-way along the section line highways.

(Update August 28, 2007. All revised text is shown in bold). This item was continued at the August 23, 2007 Planning Commission meeting at the request of the applicant.

STAFF REVIEW:

(Update August 28, 2007. All revised text is shown in bold). Staff has reviewed the Variance to the Subdivision Regulations request and noted the following considerations.

SECTION LINE HIGHWAY:

(Update August 28, 2007. All revised text is shown in bold). A section line highway abuts the property on the eastern boundary. The Street Design Criteria Manual classifies the section line highway as a Lane/ Place street requiring a 49 foot right-of-way. Currently a twenty acre parcel of land abuts the property on the eastern boundary. Access to this twenty acre parcel is provided via the section line highway that is located between the two abutting properties. As future urbanization occurs it is likely that the twenty acre parcel will be subdivided. Staff finds that the dedication of right-of-way is needed for future improvement of the section line highway as urbanization and ultimately higher population density occurs.

A section line highway on the northern boundary also abuts the property. The Street Design Criteria Manual classifies the section line highway as a Lane/ Place street requiring a 49 foot right-of-way. This section line highway provides access to a ten acre parcel that abuts the property to the west. Staff finds that dedication of right-of-way is needed to provide a means for future road improvements. As noted, future urbanization is likely to occur in this area, which would lead to more density in the area and a need for street improvements. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement that no new half-

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streets shall be permitted as per Chapter 16.12.050 of the Rapid City Municipal Code along the adjacent section line highways be denied.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement that no new half-streets shall be permitted as per Chapter 16.12.050 of the Rapid City Municipal Code along the abutting section line highways.

A Preliminary Plat application (#07PL079) to re-configure two (2) ten acre parcels into a three acre lot and a 17 acre lot, was approved with stipulations by the Planning Commission on August 9, 2007. However the Preliminary Plat has not been approved by City Council.

A Variance to the Subdivision Regulations (#07SV006) to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water, and sewer along the section line highway was approved by the City Council on March 8, 2007. On July 17, 2007 a Lot Size Variance to allow a three acre lot, in lieu of the ten acre minimum lot size in a Limited Agriculture District was approved by the Pennington County Commissioners for proposed Lot 1. Proposed Lot 2 was rezoned from General Agriculture District to Limited Agriculture District on July 17, 2007. The Lot Size Variance and rezoning on the property were needed because the proposed lot sizes associated with the Preliminary Plat did not meet the minimal lot size standards set forth by the Pennington County Zoning Ordinance.

Currently a single family residence is located on each of the proposed lots. The property is located south of the intersection of Cavern Road and South Dakota Highway 44. The property does not lie within the municipal boundaries of the City of Rapid City; however, the property is located within the City of Rapid City's Three Mile Platting Jurisdiction.

STAFF REVIEW:

Staff is currently reviewing the request particularly as it relates to the adjoining property. Staff has not completed this review as of this writing. For this reason staff will provide a recommendation at the August 23, 2007 Planning Commission meeting.