

STAFF REPORT

March 6, 2008

No. 08SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer in the easement and East Highway 44 and to allow asphalt millings in lieu of asphalt paving and to reduce the width from 24 feet to 20 feet for the private access easement

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GENERAL INFORMATION:

APPLICANT	Hewey Clemmons
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Hewey Clemmons
REQUEST	No. 08SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer in the easement and East Highway 44 and to allow asphalt millings in lieu of asphalt paving and to reduce the width from 24 feet to 20 feet for the private access easement

EXISTING
LEGAL DESCRIPTION

A portion of the balance of Lot 3 of the S1/2 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet; thence, N63°41'40"W a distance of 205.00 feet; thence, N84°39'26"W a distance of 270.00 feet; thence, N33°30'20"W a distance of 84.00 feet; thence, N00°00'00"W a distance of 796.70 feet; thence, N57°23'22"W a distance of 117.40 feet; thence, N03°48'46"E a distance of 95.00 feet; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining railroad right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'30", an arc length of 442.52 feet, and a chord bearing and distance of S62°19'40"E 442.42 feet; thence, continuing

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southeasterly along the southerly edge of the adjoining railroad right-of-way, S64°28'27"E a distance of 72.21 feet more or less, to the point of beginning

PROPOSED

LEGAL DESCRIPTION

Lots A, B and C of Clemmons Addition, located in the S1/2 SW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota

PARCEL ACREAGE

Approximately 13.14 acres

LOCATION

East S.D. Highway 44 and Apple Tree Road

EXISTING ZONING

Limited Agriculture District (Pennington County)

SURROUNDING ZONING

North:

Limited Agriculture District (Pennington County)

South:

Suburban Residential District - Planned Unit Development - Limited Agriculture District (Pennington County)

East:

Limited Agriculture District (Pennington County)

West:

Limited Agriculture District (Pennington County)

PUBLIC UTILITIES

Private water and sewer

DATE OF APPLICATION

2/9/2008

REVIEWED BY

Travis Tegethoff / 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 and sewer along East South Dakota Highway 44 be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer in the easement and to allow asphalt millings in lieu of asphalt paving and to reduce the width from 24 feet to 20 feet for the private access easement be denied without prejudice.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer in the proposed access easement and East South Dakota Highway 44 and to allow asphalt millings in lieu of asphalt paving and to reduce the width from 24 feet to 20

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feet for the private access easement. The applicant has also submitted a Layout Plat to subdivide one parcel of land into three lots ranging in size from 3.01 acres to 6.34 acres and leaving the remaining 45 acres of the property as an unplatted balance. (See companion item #08PL013.)

The property is located southwest of the intersection of South Dakota Highway 44 and Apple Tree Road. The property is zoned Limited Agricultural District in Pennington County. Currently, a single-family residence with accessory structures and a care takers residence that was approved through a Conditional Use Permit in Pennington County are located on the property.

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

Access Easement: The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer in the easement and to allow asphalt millings in lieu of asphalt paving and to reduce the width of the pavement from 24 feet to 20 feet for the proposed private access easement that extends south from South Dakota Highway 44 to proposed Lot C. However, the applicant has not demonstrated that the design of the street, with no curb and gutter or a rural section, within the access easement will accommodate drainage flows. In addition, the applicant has not demonstrated that the existing well can provide sufficient domestic and fire flows for the development and that the property is suitable for on-site waste water treatment. Also, staff has noted that the requirement to provide street light conduit does not require that a street light be installed as a part of platting the property. However, providing the conduit at this time allows the installation of a street light in the future if and/or when, it is needed. In addition, staff noted that sidewalks are not required when the lot frontage exceeds 200 linear feet per Section 16.28.080 of the Rapid City Municipal Code. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water, sewer, street light conduit and asphalt milling in lieu of pavement in the easement and reduce the pavement width from 24 feet to 20 feet be denied without prejudice.

South Dakota Highway 44: The applicant has requested Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along South Dakota Highway 44. However, there is existing railroad right-of-way between the property and South Dakota Highway 44. Since the property is not adjacent to South Dakota Highway 44 and the applicant is only required to improve adjacent streets, a Variance to the Subdivision Regulations is not required. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along East Highway 44 be denied without prejudice.

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Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify Planning Commission at the March 6, 2008 Planning Commission meeting if the legal notification requirements have not been met.