

STAFF REPORT

April 24, 2008

No. 08SV019 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer and to allow asphalt millings in lieu of paving; and to reduce the pavement width from 24 feet to 20 feet as per Chapter 16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

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| APPLICANT | Hewey Clemmons |
| AGENT | Janelle Finck for Fisk Land Surveying & Consulting Engineers |
| PROPERTY OWNER | Hewey Clemmons |
| REQUEST | No. 08SV019 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer and to allow asphalt millings in lieu of paving; and to reduce the pavement width from 24 feet to 20 feet as per Chapter 16 of the Rapid City Municipal Code |

EXISTING
LEGAL DESCRIPTION

A portion of the balance of Lot 3 of the S ½ SW ¼, 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 southeasterly along the southerly edge of the adjoining

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

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| PROPOSED LEGAL DESCRIPTION | Lots A, B, C and D 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 | South of the intersection of Apple Tree Road and S. D. East Highway 44 |
| 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 | 3/28/2008 |
| REVIEWED BY | Travis Tegethoff / Mary Bosworth |

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water and sewer along the access easements as per Chapter 16 of the Rapid City Municipal Code be approved; and,
That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and to allow asphalt millings in lieu of paving; and to reduce the pavement width from 24 feet to 20 feet along the access easements as per Chapter 16 of the Rapid City Municipal Code be denied without prejudice.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer 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. The applicant has also submitted a Layout Plat to subdivide one parcel of land into three lots ranging in size from 3.02 acres to 6.34

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acres and leaving the remaining 45 acres of the property as an unplatted balance. (See companion item #08PL042.)

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.

On March 17, 2008 City Council denied without prejudice at the applicant's request a Layout Plat (#08PL042) and a Variance to the Subdivision Regulations (#08SV008) for the property.

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

Access Easements: 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 easements that extends south from South Dakota Highway 44. The applicant has demonstrated that the existing well can provide sufficient domestic flows for the development and there are on-site waste water treatment systems currently functioning on the property. Also, staff noted that there are currently no street lights installed in the surrounding area. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water, sewer and street light conduit be approved. 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, this is a newly proposed street extending from the existing paved surface of South Dakota Highway 44. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter 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.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify Planning Commission at the April 24, 2008 Planning Commission meeting if the legal notification requirements have not been met.