

STAFF REPORT

May 8, 2008

No. 08SV016 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, sewer and water along Dun Road and Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code **ITEM 43**

GENERAL INFORMATION:

APPLICANT	TK Engesser Investments LLC
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	TK Engesser Investments, LLC
REQUEST	No. 08SV016 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, sewer and water along Dun Road and Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The NE1/4 of the SE1/4, less Lot H1 of the NE1/4 of the SE1/4, less Lot A of the NE1/4 of the SE1/4, less Lot PE1 of the NE1/4 of the SE1/4, and less a portion of a South Dakota owned Railroad Right-of-way, located in the NE1/4 of the SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 4 of Engessor Subdivison, located in the NE1/4 of the SE1/4, less Lot H1 of the NE1/4 of the SE1/4, less Lot A of the NE1/4 of the SE1/4, less Lot PE1 of the NE1/4 of the SE1/4, and less a portion of a South Dakota owned Railroad Right-of-way, located in the NE1/4 of the SE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 37-45 acres
LOCATION	Southwest of the intersection of South Dakota Highway 44 and Radar Hill Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	Low Density Residential District (Pennington County)
West:	General Agriculture District (Pennington County)

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PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	3/27/2008
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, sewer and water along Dunn Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS: (Update: April 29, 2008. All revised and/or added text is shown in bold.) This item was continued to the May 8, 2008 Planning Commission meeting to allow the applicant to submit the required information. On April 28, 2008 the applicant submitted additional information for review and approval.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, sewer and water along Dunn Road and Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Preliminary Plat to subdivide one parcel of land into four lots ranging in size from 7.43 acres to 10.01 acres and leaving the remaining portion of the property as an unplatted balance. (See companion item #08PL038.)

The property is located southwest of the intersection of Dunn Road and Radar Hill Road. The property is currently zoned General Agricultural District in Pennington County.

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

Radar Hill Road: Radar Hill Road is located along the eastern lot line of proposed subdivision. Radar Hill Road is identified as a future arterial street on the Major Street Plan requiring a

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minimum 100 feet of right-of-way. The developer is responsible for constructing an arterial street to a collector street standard. Any expansion of the road beyond a collector street standard is considered oversizing and is not the developer's responsibility. Currently, Radar Hill Road is located in a 66 feet wide right-of-way. There is no curb, gutter, street light conduit, water, sewer or sidewalks currently constructed in Radar Hill Road. However, a portion of Radar Hill Road is currently paved and the South Dakota Department of Transportation is proposing to reconstruct a portion of Radar Hill Road as part of the reconstruction of South Dakota Highway 44. In addition, no information on the water system or wastewater disposal system was submitted with the Preliminary Plat. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, water, sewer and sidewalk be continued to be heard in conjunction with the Preliminary Plat.

On April 28, 2008 the applicant indicated that private wells will be installed for the proposed lots and has submitted information demonstrating sufficient quantity for domestic flows. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the applicant must sign a waiver of right to protest any future assessment for the improvements.

On April 28, 2008 the applicant indicated that individual on-site waste water treatment systems will be installed for the proposed lots and submitted percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the applicant must sign a waiver of right to protest any future assessment for the improvements.

As previously indicated, there is no curb, gutter, street light conduit, or sidewalks currently constructed in Radar Hill Road. However, a portion of Radar Hill Road is currently paved and the South Dakota Department of Transportation is proposing to reconstruct a portion of Radar Hill Road as part of the reconstruction 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, sidewalk and street light conduit along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the applicant must sign a waiver of right to protest any future assessment for the improvements and that the Variance to the Subdivision Regulations to waive the requirement to install pavement along Radar Hill Road as per Chapter 16.16 of the Rapid City Municipal Code be denied.

Dunn Road: Dunn Road is located along the northern lot line of proposed subdivision. Dunn Road is identified on the City's Major Street Plan as a future collector street requiring that it be located in a minimum 72 feet wide right-of-way and constructed with a minimum 40 foot

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wide paved surface with parking on both sides of the street, curb, gutter, sidewalk, street light conduit and water. Currently, Dunn Road is located in a 66 feet wide right-of-way with a paved surface. There is no curb, gutter, street light conduit, water, sewer or sidewalks currently constructed in Dunn Road. However, no information on the water system or wastewater disposal system was submitted with the Preliminary Plat. In addition, Public Works staff has indicated that Dunn Road is the proposed location of a 16 inch water main for a future high/low pressure zone. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, water, sewer and sidewalk be continued to be heard in conjunction with the Preliminary Plat.

On April 28, 2008 the applicant indicated that private wells will be installed for the proposed lots and has submitted information demonstrating sufficient quantity for domestic flows. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water along Dunn Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the applicant must sign a waiver of right to protest any future assessment for the improvements.

On April 28, 2008 the applicant indicated that individual on-site waste water treatment systems will be installed for the proposed lots and submitted percolation tests demonstrating that the soils are suitable for on-site wastewater treatment systems. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Dunn Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the applicant must sign a waiver of right to protest any future assessment for the improvements.

As previously indicated, Dunn Road is currently a paved surface with no curb, gutter, street light conduit, or sidewalks. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk and street light conduit along Dunn Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the applicant must sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have been returned. To date, no calls or concerns about the proposed Variance to the Subdivision Regulations have been received.