

STAFF REPORT

March 26, 2009

No. 09SV007 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet as per Chapter 16.16 of the Rapid City Municipal Code **ITEM 35**

GENERAL INFORMATION:

APPLICANT	Angie Charlson
AGENT	Matt Benne
PROPERTY OWNER	Angie Charlson
REQUEST	No. 09SV007 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 4R in Block 15 of Canyon Lake Heights Subdivision, as shown in the plat filed in Plat Book 28, Page 87 and as corrected by Affidavit recorded December 17, 1997 in Book 69, Page 9640, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A, B, C and D of Lot 4R of Block 15 of Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4, Section 8 and the SW1/4 SW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.23 acres
LOCATION	4560 Cliff Drive

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EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and a private shared well
DATE OF APPLICATION	2/26/2009
REVIEWED BY	Vicki L. Fisher / 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 Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet 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. Prior to City Council approval, the drainage plan shall be revised to address street drainage along Cliff Drive to insure that curb and gutter is not needed;
3. A sidewalk shall be provided along the west side of Cliff Drive;
4. Prior to City Council approval, recent test data confirming well capacity shall be submitted for review and approval;
5. The residential structures shall be provided with fire sprinkler protection as per the National Fire Protection Association Code 13D;
6. Upon submittal of a Final Plat application, surety shall be posted for the fire sprinkler systems as a part of the subdivision improvements; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement be approved with the following stipulations;

1. Prior to City Council approval, recent test data confirming well capacity shall be submitted for review and approval;
2. Prior to City Council approval, the drainage plan shall be revised to address street drainage along the private roadway easement to insure that curb and gutter is not needed;

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That the Variance to the Subdivision Regulations to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement be denied; and

That the Variance to the Subdivision Regulations to reduce the width of the private roadway easement from 45 feet to 30 feet be denied.

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 along Cliff Drive and to reduce the pavement width from 27 feet to 20 feet and 18 feet along Cliff Drive; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the 30 foot wide private roadway easement, to reduce the pavement width from 20 feet to 12 feet along the 30 foot wide private roadway easement and to reduce the width of the private roadway easement from 45 feet to 30 feet. In addition, the applicant has submitted a Preliminary Plat (09PL008) to subdivide the property into four lots ranging in size from 0.5198 acres to 1.577 acres.

On December 1, 2008, the City Council denied without prejudice a Layout Plat (File #08PL139) to subdivide the property into four lots and a Variance to the Subdivision Regulations (File #08SV053) to waive the requirement to improve Cliff Drive, a 30 foot wide private roadway easement and a 40 foot wide access and utility easement as they abut the property. In particular, the two items were denied without prejudice to allow the applicant to address whether sufficient domestic and fire flows could be provided to support the proposed increase in density.

The property is located west of the intersection of Cliff Drive and Fairview Drive. Currently, a single family residence and a shed are located on the western portion of the property.

STAFF REVIEW:

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

Water: A private well located on the property currently serves the existing single family residence. The applicant has indicated that the private well will be used to serve all four lots. The well data submitted by the applicant from 1965 shows that the well pump rate is 25 gallons per minute. The Fire Department has indicated that the minimum fire flows for a single family residence up to 3,600 square feet in size must be 1,000 gallons per minute at 20 pounds per square inch. Minimum fire flows for a single family residence in excess of 3,600 square feet in size must be 1,500 gallons per minute at 20 pounds per square inch.

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Based on the information submitted by the applicant, the existing well will not provide sufficient fire flows for the four proposed lots.

City water is currently located approximately one-half mile northeast of the property. As such, the applicant has requested a Variance to the Subdivision Regulations to waive the requirement to extend a water main to serve the property. The Fire Department has supported similar Variance requests when domestic flows are being provided and the applicant agrees to install fire sprinkler protection within all residential structures as per the National Fire Protection Association Code 13D.

If recent test data is submitted confirming that the well pump rate continues to be 25 gallons per minute to provide domestic flows, staff will support the Variance to the Subdivision Regulations to waive the requirement to extend water to the development with the stipulation that the residential structures be provided with fire sprinkler protection as per the National Fire Protection Association Code 13D. In addition, upon submittal of a Final Plat application, surety must be posted for the fire sprinkler systems as a part of the subdivision improvements. Staff also recommends that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvement.

Sewer: A private on-site wastewater system, consisting of a septic tank and drainfield, currently serves the residence located on the property. A City sewer main is located along a portion of Cliff Drive as it abuts the property. In addition, a City sewer main extends through the eastern portion of the property to serve the Miracle Place Subdivision located north of the property. The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to extend a sewer main along the balance of Cliff Drive and along the existing 30 foot wide private roadway easement.

The applicant has submitted construction plans showing the extension of sewer service lines to each of the four lots from the sewer main extending through the site. In addition, the sewer main extending through the property serves the lots located north of the site. Extending a sewer main along Cliff Drive or the private roadway easement would not serve any additional properties that aren't already served or proposed to be served from the sewer main extending through the site. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer along the balance of Cliff Drive and the existing 30 foot wide private roadway easement be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the sewer improvement along Cliff Drive.

Cliff Drive: Cliff Drive is classified as a sub-collector street requiring that it be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved

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surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Cliff Drive is located within a 50 foot wide right-of-way and constructed with an 18 foot to 20 foot paved surface. The Preliminary Plat identifies the dedication of one additional foot of right-of-way along Cliff Drive as required.

Requiring the construction of curb, gutter, street light conduit, and additional pavement along Cliff Drive as it abuts the property will result in a discontinuous street section. The Planning Commission and the City Council have granted similar Variance requests when the improvements would result in a discontinuous street section and when it was determined that curb and gutter are not needed to accommodate street drainage. The applicant has indicated that based on the existing ditch design along Cliff Drive, curb and gutter is not needed. However, to date, the applicant has not submitted drainage information demonstrating that curb and gutter is not needed to accommodate drainage flows. If the drainage information is submitted as identified prior to City Council approval, staff will support the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and additional pavement along Cliff Drive as it abuts the property with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

The Planning Commission and the City Council have consistently required sidewalks along streets as a part of the review and approval of a plat even when sidewalks currently don't exist within the area. The goal has been to secure a safe pedestrian walkway, even if secured in a piecemeal design, and to secure a safe place for children to play outside of the street. Providing a sidewalk on the west side of the street as it abuts the property would provide a pedestrian walkway and a safe place for children to play along this section of Cliff Drive. While the sidewalk will not connect to other existing sidewalks on the adjacent lots, this will start the process toward establishing sidewalks in the neighborhood. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along both sides of Cliff Drive be approved with the stipulation that the applicant provide a sidewalk along the west side of the street and that the applicant sign a waiver of right to protest any future assessment for the sidewalk along the east side of the street.

Private Roadway Easement: The Preliminary Plat identifies an existing 30 foot wide private roadway easement centered along the south lot line of the property. The easement is classified as a lane place street requiring that it be located within a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, a permanent turnaround must be provided at the end of the cul-de-sac to provide fire apparatus access. Currently, the 30 foot wide easement has been constructed with an approximate 10 foot wide paved surface.

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Currently, none of the streets within this area have been constructed with curb, gutter and street light conduit. The Planning Commission and the City Council have granted similar Variance requests when the improvements would result in a discontinuous street design and when it was determined that curb and gutter are not needed to accommodate street drainage. The applicant has indicated that based on the topography along the easement, curb and gutter is not needed. However, to date, the applicant has not submitted drainage information demonstrating that curb and gutter along the easement is not needed to accommodate drainage flows. If the drainage information is submitted as identified prior to City Council approval, staff will support the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the easement.

The easement serves as a shared driveway location between two lots. The easement terminates within the lots and does not extend to serve any additional properties. As such, requiring a sidewalk along the easement would not serve as pedestrian access to adjacent properties. In addition, the sidewalk to be constructed along Cliff Drive as it abuts the property will provide a safe place for children to play. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install a sidewalk along the 30 foot wide private roadway easement be approved.

The Fire Department has indicated that the easement must be constructed with a minimum 20 foot wide paved driving lane and a turnaround at the western terminus to provide fire apparatus access. In addition, the easement width must be adjusted as needed to include the turnaround. As such, staff recommends that the Variance to the Subdivision Regulations to reduce the pavement width from 20 feet to 12 feet be denied.

To date, construction plans have not been submitted for review and approval showing the additional pavement along the driving lane and the turnaround to determine the minimum easement width needed. In addition, it has been the practice of the City to obtain the minimum easement and/or right-of-way width at the time of platting in compliance with the Subdivision Regulations and the Street Design Criteria Manual. It does not appear that dedicating 7.5 feet of additional easement width from the property will interfere with the layout of the proposed plat. As such, staff recommends that the Variance to the Subdivision Regulations to reduce the width of the easement from 45 feet to 30 feet be denied.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 26, 2009 Planning Commission meeting if this requirement is not met.

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