

STAFF REPORT
December 9, 2010

No. 10SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 14

GENERAL INFORMATION:

APPLICANT	Joseph Hecker
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Fisk Land Surveying & Consulting Engineers
REQUEST	No. 10SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 19 and 22R of Una Del Acres No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 19R and 22RA of Una Del Acres No. 2
PARCEL ACREAGE	Approximately 5.87 acres
LOCATION	6030 Una Del Acres
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	Private On-site Water and Wastewater
DATE OF APPLICATION	11/12/2010
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, street light conduit, water and additional pavement as per Chapter 16.16 of the

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Rapid City Municipal Code 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 improvement; and,
2. Prior to City Council approval, a Wild Fire Mitigation Plan shall be submitted for review and approval.

If the Planning Commission determines it is appropriate to grant the Variance waiving the requirement to install sewer, including dry sewer, then the applicant shall sign a waiver of right to protest any future assessment for the improvement; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk 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 and to reduce the pavement width from 24 feet to 19 feet along Una Del Drive as it abuts the property. In addition, the applicant has submitted a Layout Plat (File #10PL087) to reconfigure two existing lots. The lots are to be known as Lots 19R and 22RA of Una Del Acres No. 2.

The property is located approximately 200 feet north of the intersection of Wildwood Drive and Una Del Drive on the east side of Una Del Drive. Currently, a single family residence, and three sheds are located on proposed Lot 22RA. Lot 19R is currently void of any structural development.

STAFF REVIEW:

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

Una Del Drive: Una Del Drive is located along the west lot line of the property and is classified as a lane place street requiring that it be located within a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Una Del Drive is located within a 50 foot wide right-of-way and constructed with a 19 foot wide paved surface.

The applicant has submitted a ditch detail demonstrating that the existing ditch is designed to accommodate drainage along the street. The applicant has also submitted well data demonstrating that the existing well located on proposed Lot 22RA provides domestic flows.

The Fire Department has indicated support of the Variance request to waive the requirement to provide water along Una Del Drive with the stipulation that a Wild Fire Mitigation Plan be submitted for review and approval prior to City Council approval. In the past, the Planning

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Commission and City Council have granted similar Variance requests when the proposed plat did not result in any increase in density and when the street improvement would create a discontinuous street section as is the case with this Layout Plat. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and additional pavement be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement and that a Wild Fire Mitigation Plan be submitted for review and approval prior to City Council approval.

Sewer: Chapter 16.16.050 of the Rapid City Municipal Code states that "sewer collection systems shall be installed in each subdivision within Rapid City and surrounding platting jurisdictions in accordance with City specifications". The applicant has indicated that proposed Lot 19R will be served by an individual on-site wastewater system. In addition, the applicant has indicated that an existing septic tank and drainfield are currently serving the residence located on proposed Lot 22RA. The existing septic tank was pumped on October 23, 2007 and an On-site Wastewater Permit was subsequently issued by the City.

The Rapid City's Master Utility Plan identifies the property within "Tier One" which implies that the area is an anticipated near term development project in lieu of a long range development project. The Source Water Protection Study recommends the installation of dry sewer mains in accordance with the adopted City Standards within Tier One rather than approving Variances to waive the requirement to insure connection to a central sewer system once the adjacent properties develop and the dry sewer can be connected to the City's system. However, the Planning Commission and the City Council have granted similar Variance requests to waive the requirement to connect to a community sewer system and/or to provide a dry sewer system for other properties located within Tier One when there has been no existing sewer system located within the area to provide a timely connection. The closest existing sewer main is located approximately 1,400 feet south and east of the property within the Sheridan Lake Road right-of-way. As such, if the Planning Commission determines it is appropriate to grant the Variance waiving the requirement to install sewer, including dry sewer, then it is recommended that the applicant sign a waiver of right to protest any future assessment for the improvement.

Sidewalk: This is a residential area requiring that pedestrian access be provided outside of the street. In addition, it has been the position of the City Council that a sidewalk be provided as a part of the development of a site to insure pedestrian safety within our community. In order to provide a safe place for pedestrians to walk and to provide a safe place for children to play outside of the street, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk be denied. The applicant should be aware that the sidewalk must be shown on the construction plans; however, it is not required to be built as a part of the subdivision improvements. Instead, the sidewalk is required to be constructed at the time a building permit is issued for the property.

Legal Notification Requirement: The white slips from the certified mailings have been returned.

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As of this writing, the green cards have not been returned. Staff will notify the Planning Commission at the December 9, 2010 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.