

STAFF REPORT

May 5, 2011

No. 11SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along North Star Road and to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Moon Meadows Drive as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Tom and Sue Karlen
PROPERTY OWNER	Tom and Sue Karlen
REQUEST	No. 11SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along North Star Road and to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Moon Meadows Drive as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 19 of Block 3 of Moon Meadows Estates, Section 34, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 19A and Lot 19B of Moon Meadows Estates
PARCEL ACREAGE	Approximately 4.62 acres
LOCATION	8133 North Star Road
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	On-site water and wastewater
DATE OF APPLICATION	4/7/2011
REVIEWED BY	Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

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install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along North Star Road and to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Moon Meadows Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the street improvements;
2. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way; and,
3. The on-site water system shall provide adequate fire and domestic flows or an approved residential fire sprinkler system shall be provided in each new residential structure.

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, sewer and pavement along North Star Road and to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Moon Meadows Drive as they abut the property. In addition, the applicant has submitted a Layout Plat (File #11PL023) to subdivide an existing 4.62 acre lot into two lots. The lots will be sized 3.37 acres and 1.25 acres, respectively, and will be known as Lots 19A and 19B, Block 3 of Moon Meadows Estates.

The property is located outside the City limits of Rapid City but within the City's three mile platting jurisdiction. In particular, the property is located in the southwest corner of the intersection of Moon Meadows Drive and North Star Drive. Currently, a single family residence is located on proposed Lot 19A. Proposed Lot 19B is void of any structural development.

STAFF REVIEW:

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

Moon Meadows Drive: Moon Meadows Drive is located along the north lot line of the subject property and is classified as a principle arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Moon Meadows Drive is located in a 66 foot wide right-of-way with an approximate 24 foot wide paved surface. In the past, the developer has not generally been required to improve the existing road when it is an existing constructed and improved (paved) road; rather they have been required to sign a waiver of right to protest an assessment project. The waiver of right to protest an assessment project insures that the property owners will participate in future improvements. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter,

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sidewalk, street light conduit, water, sewer and additional pavement be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements. In addition, upon submittal of a Preliminary Plat application, the plat document must be revised to show the dedication of 17 additional feet of right-of-way.

North Star Road: North Star Road is located along the east lot line of the property and is classified as a lane place street requiring that it be located in 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, North Star Road is located within a 50 foot wide right-of-way and constructed with an approximate 18 foot to 19 foot asphalt chip seal surface.

Currently, a community water and/or sewer system is not available within this area to serve the property. However, 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.

The closest existing sewer main is located approximately 0.75 miles east of the property along Moon Meadows Road at the City Limit boundary. The Public Works Department has indicated that the elevation of the sewer at this location precludes serving this area. In addition, soils within the area support existing on-site wastewater systems. Based on this information, the Public Works Department does not oppose the Variance request to waive the requirement to provide a sewer and/or dry sewer main along Nemo Road as it abuts the property. In addition, staff supports the requirement to connect to community water with the stipulation that the on-site water system provide adequate fire and domestic flows or an approved residential fire sprinkler system be provided in each new residential structure.

Requiring the construction of curb, gutter, sidewalk, street light conduit, and pavement along North Star Road as it abuts the applicant's property would create a discontinuous street design. In the past, the Planning Commission and City Council have granted similar Variance requests when the proposed plat would create a discontinuous street section as is the case with this Layout Plat. In addition, the applicant has submitted a copy of a recorded document identifying that a road district has been formed to provide maintenance of North Star Road.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer

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along North Star Road be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements and that the on-site water system provide adequate fire and domestic flows or an approved residential fire sprinkler system be provided in each new residential structure.

Legal Notification Requirement: As of this writing, the white slips and green cards from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 5, 2011 Planning Commission meeting if this requirement is not met.