

STAFF REPORT
September 22, 2011

No. 11SV015 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and water, to reduce the pavement width from 24 feet to 10 feet and to reduce the easement width from 49 feet to 30 feet for Tittle Springs Place; to waive the requirement to install water and sewer along S.D. Highway 44 West; and, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of the access easement from 49 feet to 40 feet as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Delbert and Shirley Stover
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Delbert Stover
REQUEST	No. 11SV015 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and water, to reduce the pavement width from 24 feet to 10 feet and to reduce the easement width from 49 feet to 30 feet for Tittle Springs Place; to waive the requirement to install water and sewer along S.D. Highway 44 West; and, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of the access easement from 49 feet to 40 feet as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 4 of Block 3 of Nielsen Subdivision located in Section 18, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 4A and 4B of Block 3 of Nielsen Subdivision
PARCEL ACREAGE	Approximately 2.61 acres
LOCATION	6280 Tittle Springs Place
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING North:	Suburban Residential District (Pennington County)

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South: Park Forest District
East: Suburban Residential District (Pennington County)
West: Suburban Residential District (Pennington County)

PUBLIC UTILITIES Rapid Canyon Sewer System and private well

DATE OF APPLICATION 8/26/2011

REVIEWED BY Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and water, to reduce the pavement width from 24 feet to 10 feet and to reduce the easement width from 49 feet to 30 feet for Tittle Springs Place; to waive the requirement to install water and sewer along S.D. Highway 44 West; and, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of the access easement from 49 feet to 40 feet 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 along S.D. Highway 44 West;
2. Prior to submittal of a Preliminary Plat application, the Wild Fire Mitigation Plan shall be approved by Fire Department. In addition, prior to submittal of a Final Plat application, the plan shall be implemented;
3. Upon submittal of a Preliminary Plat application, the applicant shall submit written documentation identifying maintenance responsibility of Tittle Springs Place and the two access easements;
4. A note shall be placed on the plat stating that all new residential structures shall be sprinklered with a residential fire sprinkler system; and,
5. That the plat document be revised to show an additional 9.5 feet of easement width along Tittle Springs Place as it abuts the property.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and water, to reduce the pavement width from 24 feet to 10 feet and to reduce the easement width from 49 feet to 30 feet for Tittle Springs Place; to waive the requirement to install water and sewer along S.D.

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Highway 44 West; and, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of the access easement from 49 feet to 40 feet as they abut the property. In addition, the applicant has submitted a Layout Plat (File #11PL047) to subdivide a 2.61 acre parcel into two lots sized 1.76 acres and 0.84 acres, respectively.

The property is located south of S.D. Highway 44 West and north of Tittle Springs Place. Currently, a residence and three accessory structures are located on proposed Lot 4A and a commercial structure is located on proposed Lot 4B.

STAFF REVIEW:

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

Street Improvements: S.D. Highway 44 West is located along the north lot line and is classified as a principle arterial street requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface. Currently, S.D. Highway 44 West is located within a minimum 100 foot wide right-of-way and constructed with an approximate 36 foot wide paved surface. Tittle Springs Place is located along the south 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, Tittle Springs Place is located within a 30 foot wide private access easement and constructed with an approximate 12 foot wide graveled surface. A 40 foot wide access easement exists along the east lot line of proposed Lot 4B. In addition, a proposed 40 foot wide to 60 foot wide access easement and a 40 foot by 40 foot shared approach is proposed along the common lot line of Proposed Lot 4A and 4B as they abut Tittle Springs Place. Both easements are classified as lane place streets requiring that they be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. The easement along the east lot line of proposed Lot 4B is constructed with an approximate 20 foot wide paved surface. The easement along the common lot line is constructed with an approximate 10 foot wide gravel road. Requiring the improvements along S.D. Highway 44 West and Tittle Springs Place as they abut the property would result in a discontinuous street section. In the past the Planning Commission and the City Council have granted similar Variance requests when the street improvements would create a discontinuous street design. In addition, the two access easements were created to accommodate driveways to serve this property and the property located west of this site. Platting the property as proposed requires that the driveways be

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No. 11SV014 - Variance to the Subdivision Regulations to allow a 17 foot wide graveled surface in lieu of a minimum 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Berglund Road and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code

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secured within access easements; however, the access easements will continue to function as driveways in lieu of streets.

The Fire Department has indicated concurrence with the Variance to the Subdivision Regulations request to waive the requirement to connect to a community water system with the stipulation that a Wild Fire Mitigation Plan be submitted for review and approval and implemented. In addition, since the proposed on-site well(s) will not provide fire flows, the Fire Department has requested that a note be placed on the plat stating that all new residential structures be sprinklered with a residential fire sprinkler system. Please note that the applicant has submitted a Wild Fire Mitigation Plan for the property which is currently being reviewed by the Fire Department.

In the past, the City Council has required that the additional right-of-way and or easement widths be provided in consideration of granting Subdivision Variances to waive the street improvements. As such, staff is recommending that the easement width along Tittle Springs Place be widened from 30 feet to 39.5 feet to allow for future street improvements if needed.

Based on the reasons as noted above, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and water, to reduce the pavement width from 24 feet to 10 feet and to reduce the easement width from 49 feet to 30 feet for Tittle Springs Place; to waive the requirement to install water and sewer along S.D. Highway 44 West; and, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of the access easement from 49 feet to 40 feet be approved with the stipulations that prior to approval by the City Council, the applicant sign a waiver of right to protest any future assessments for the street improvements along S.D. Highway 44 West; that prior to submittal of a Preliminary Plat application, a Wild Fire Mitigation Plan be approved by the Fire Department and prior to submittal of a Final Plat application, the plan be implemented; that upon submittal of a Preliminary Plat application, the applicant submit written documentation identifying maintenance responsibility of Tittle Springs Place and the two access easements; that a note be placed on the plat stating that all new residential structures be sprinklered with a residential fire sprinkler system; and, that That the plat document be revised to show an additional 9.5 feet of easement width along Tittle Springs Place as it abuts the property.

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 September 22, 2011 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquiries regarding this proposal.