

STAFF REPORT  
October 6, 2011

---

**No. 11SV017 - Variance to the Subdivision Regulations to reduce the access easement width(s) from 49 feet to 30 feet and 40 feet, respectively, to allow a 12' wide gravel surface in lieu of a 24' wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer for the existing and proposed access easements and to waive the requirement to improve the unnamed 66' wide right-of-way with curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 14**

GENERAL INFORMATION:

APPLICANT	Larry Patterson
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Larry Patterson
REQUEST	<b>No. 11SV017 - Variance to the Subdivision Regulations to reduce the access easement width(s) from 49 feet to 30 feet and 40 feet, respectively, to allow a 12' wide gravel surface in lieu of a 24' wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer for the existing and proposed access easements and to waive the requirement to improve the unnamed 66' wide right-of-way with curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Tract 2 of Tract A of the SW1/4 less well lot and right-of-way located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Strato Rim Estates II
PARCEL ACREAGE	Approximately 9.07 acres
LOCATION	23648 Strato Rim Drive
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Low Density Residential District (Pennington County)

STAFF REPORT  
October 6, 2011

---

**No. 11SV017 - Variance to the Subdivision Regulations to reduce the access easement width(s) from 49 feet to 30 feet and 40 feet, respectively, to allow a 12' wide gravel surface in lieu of a 24' wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer for the existing and proposed access easements and to waive the requirement to improve the unnamed 66' wide right-of-way with curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 14**

East:	Limited Agriculture Residential District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Strato Rim Estates Water Company and private on-site wastewater
DATE OF APPLICATION	9/9/2012
REVIEWED BY	Vicki L. Fisher / Ted Johnson

**RECOMMENDATION:**

Staff recommends that the Variance to the Subdivision Regulations to reduce the access easement width(s) from 49 feet to 30 feet and 40 feet, respectively, to allow a 12 foot wide gravel surface in lieu of a 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer for the existing and proposed access easements and to waive the requirement to improve the unnamed 66 foot wide right-of-way with curb, gutter, sidewalk, street light conduit, water, sewer and pavement 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 the unnamed 66 foot wide right-of-way;
2. Prior to submittal of a Preliminary Plat application, the Wild Fire Mitigation Plan shall be approved by the 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 for the 30 foot wide "Watermain and Access Easement"; and,
4. A note shall be placed on the plat stating that all new residential structures shall be sprinklered with a residential fire sprinkler system.

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to reduce the access easement width(s) from 49 feet to 30 feet and 40 feet, respectively, to allow a 12 foot wide gravel surface in lieu of a 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer for the existing and proposed access easements and to waive the requirement to improve the unnamed 66 foot wide right-of-way with curb, gutter, sidewalk, street light

STAFF REPORT  
October 6, 2011

---

**No. 11SV017 - Variance to the Subdivision Regulations to reduce the access easement width(s) from 49 feet to 30 feet and 40 feet, respectively, to allow a 12' wide gravel surface in lieu of a 24' wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer for the existing and proposed access easements and to waive the requirement to improve the unnamed 66' wide right-of-way with curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 14**

conduit, water, sewer and pavement. In addition, the applicant has submitted a Layout Plat (File #11PL050) to subdivide the property into two lots sized 3.01 acres and 6.07 acres, respectively.

The property is located approximately 2,000 feet north of the intersection of S.D. Highway 16 and Strato Rim Drive on the north side of Strato Rim Drive. Currently, a single family residence, a shed and a shop are located on the property.

**STAFF REVIEW:**

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

**Street Improvements:** An unnamed 66 foot wide right-of-way is located along the northwest corner of the property. In addition, a 30 foot wide "Watermain and Access Easement" extends east from Strato Rim Drive, south of the applicant's property on an adjacent property. The Layout Plat also identifies a 40 foot wide to 70 foot wide "Access Easement to adjoining Tract 1 of Tract A" along the southern portion of proposed Lot 2. All three streets are classified as lane place streets requiring that they be located within a minimum 49 foot wide right-of-way and/or easement and constructed with a minimum 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the 66 foot wide right-of-way is unimproved. It appears that the right-of-way was originally secured to provide access to a well lot along the north side of the right-of-way. However, an alternate access has been secured within an easement and provides access to the well lot. The two access easements are currently constructed with a 12 foot wide graveled surface. Requiring the improvements along the unnamed right-of-way and the two access easements 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 two adjacent properties. Upon platting the property, 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 flows provided by the Strato Rim Estates Water Company do 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

STAFF REPORT  
October 6, 2011

---

**No. 11SV017 - Variance to the Subdivision Regulations to reduce the access easement width(s) from 49 feet to 30 feet and 40 feet, respectively, to allow a 12' wide gravel surface in lieu of a 24' wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer for the existing and proposed access easements and to waive the requirement to improve the unnamed 66' wide right-of-way with curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 14**

for the property which is currently being reviewed by the Fire Department.

The Public Works Department has indicated concurrence with the Variance request to waive the requirement to connect to a community sewer system since the applicant has submitted percolation information and soils data verifying that the soils support an on-site wastewater system and since a community sewer system is not located within the area. Please note that a majority of the property is located over the Madison Aquifer Recharge Zone. As such, future on-site wastewater treatment may require an Advanced Treatment System or a non-discharging system.

Based on the reasons as noted above, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to reduce the access easement width(s) from 49 feet to 30 feet and 40 feet, respectively, to allow a 12 foot wide gravel surface in lieu of a 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer for the existing and proposed access easements and to waive the requirement to improve the unnamed 66 foot wide right-of-way with curb, gutter, sidewalk, street light conduit, water, sewer and pavement 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 the unnamed 66 foot wide right-of-way or that the right-of-way be vacated, 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 30 foot wide "Watermain and Access Easement"; and, that a note be placed on the plat stating that all new residential structures be sprinklered with a residential fire sprinkler system.

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 October 6, 2011 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquiries regarding this proposal.