



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department Engineering Services Division

300 Sixth Street

Telephone: (605) 394-4154 FAX: (605) 355-3083

Web: www.rcgov.org

TO: Public Works Committee

FROM: Nicole Lecy, Project Engineer

DATE: February 19, 2013

RE: Appeal of Denial of Request for an Exception to provide 37.5' wide easement in lieu of 50' wide easement and to provide 12' wide pavement in lieu of 20' wide pavement for an access easement.

Layout Plan Application (City File #13PL005) to create Lot AR-1 of Lot 4R, Lot AR-2 of Lot 4R and Lot 5R-1 of Block 15 of Canyon Lake Heights Subdivision, Section 8, T1N, R7E and Section 9, T1N, R7E, Rapid City, Pennington County, South Dakota.

A request was submitted by Sperlich Consulting, on behalf of Matt Benne, on January 18, 2013 requesting an exception to Figure 2-1 in the City of Rapid City Infrastructure Design Criteria Manual (IDCM) to dedicate 37.5' wide easement with a 12' pavement section in lieu of 50' wide easement with a 20' pavement section for an access easement to serve three single family lots for the referenced project. The exception request was denied by Staff on February 4, 2013. Per Section 16.04.060 of the Rapid City Municipal Code, the applicant has filed a written request of appeal to the City Council for the denial of this exception request, received by Staff on February 11, 2013.

Waiving the requirement to install additional easement width within the access easement was denied. Previous subdivision variance request (City File #09SV007) for the same private roadway easement to reduce the easement width from 45' to 30' to provide access to two single family lots was denied by City Council on June 1, 2009. At that time only one property encompassing the easement was being platted, so only half (an additional 7.5') of the additional required easement was dedicated, for a total easement width of 37.5'. The current City standards in the IDCM Figure 2-1 require an easement width a minimum of 50' for a lane/place street. The proposed layout plat (City File #13PL005) includes platting properties encompassing the entire easement; therefore the entire easement width shall be dedicated. Denial of the exception for easement width is consistent with the City Council's

previous determination for the private roadway easement. A minimum easement width of 50' shall be provided per the current City standards in the IDCM Figure 2-1.

Waiving the requirement to install additional pavement width within the access easement was denied. Staff denied the exception request, based on the City Council meeting minutes for June 1, 2009 from the previous subdivision variance request (City File #09SV007) for the same private roadway easement to provide access to two single family lots, which stated to "*deny in part as per Planning Commission's recommendations.*" Planning Commission's recommendations from the March 26, 2009 meeting stated "*The variance to the Subdivision Regulations to reduce the pavement width from 20' to 12' along the 30' wide private roadway easement be denied.*"

After viewing the Planning Commission meeting video from March 26, 2009, it was discovered that the meeting minutes did not accurately reflect Planning Commission's recommendation. Planning Commission had recommended "*Approval with the stipulations as noted in the Staff Report with the exception that the Variance to provide additional pavement width in the easement be approved.*"

The previous subdivision variance (City File #09SV007) request was made for the same private roadway easement. Although the previous variance request waived the requirement to provide additional pavement for access to two residential dwelling units, the applicant is proposing to increase the density and utilize the access easement to provide access to three residential dwelling units (City File #13PL005). Based on providing access to three residential dwelling units and insufficient fire flow available to support additional development, Staff does not support a reduced pavement width within the access easement. A minimum pavement width of 20' shall be provided per the current City standards in the IDCM Figure 2-1.

Staff Recommendation: Staff recommends denial of the request to dedicate 37.5' wide easement and provide 12' of pavement width within the access easement. A minimum easement width of 50' and a minimum pavement width of 20' shall be provided per the current City standards in the IDCM Figure 2-1.

February 8, 2013

Nicole Lecy
City of Rapid City
300 Sixth Street
Rapid City, SD 57702

Dear Ms. Lecy,

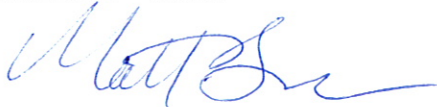
We are writing this letter in response to the attached January 31, 2013 letter that approved and denied in part a request for certain exceptions relating to Layout Plan Application to subdivide Lot AR of Lot 4R of Block 15 and Lot 5R of Block 15 of Canyon Lake Heights Subdivision, Section 8, T1N, R7E, and Section 9, T1N, R7E, Rapid City, Pennington County, South Dakota, City File #13EX006, Related Files #13PL005.

We respectfully request to be placed on the next Public Works Committee agenda to appeal to the City Council a portion of the exception that were denied in the January 31st letter. The following are the exceptions and responses:

1. Waiving the requirement to install sanitary sewer main within the access easement
We accept.
2. Waiving the requirement to install additional pavement width within the access easement
We request an appeal to the City Council to extend the pavement from 12' to 20'.
3. Waving the requirement to install sidewalk within the access easement
We request an appeal to the City Council to install sidewalk within the access easement.
4. Waiving the requirement to install additional easement width within the access easement
We request an appeal to the City Council to install additional easement width to 50'.

Sincerely,

Matt Benne – Owner



Brent Voorhees - Applicant



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FEB 11 2013

**ENGINEERING
SERVICES**

**REQUEST FOR EXCEPTION TO
RAPID CITY DESIGN STANDARD / CRITERIA / REGULATIONS**

PROJECT Canyon Lake Heights Subd.
DATE: 1/15/13 SUBMITTED BY: Sperlich Consulting Ser
PIN #: _____ Matt Benne
LEGAL DESCRIPTION: see attached

EXCEPTION REQUESTED: SECTION _____ STD / CRITERIA / REG _____

DESCRIPTION OF REQUEST: no to improve access easement including sewer main, curb & gutter, asphalt pavement sidewalks and lighting conduit & additional easement width.

JUSTIFICATION: existing easement serve one lot and proposed plat would serve two.
(Please use back of sheet if additional room is needed)

SUPPORTING DOCUMENTATION: Yes No

PROPERTY OWNER'S SIGNATURE**: [Signature] DATE: 1-17-13

**Or Agent, if previously designated by the Owner in writing.

FOR STAFF ONLY

STAFF COMMENTS: See attached comments.

STAFF RECOMMENDATION: Approve in part, waiving the requirement to install curb, gutter, & light conduit. Deny in part, waiving the requirement to install sanitary sewer, additional pavement width, sidewalk and additional easement width. See attached comments.

REVIEWED BY: [Signature] DATE: 1/31/2013

AUTHORIZATION: APPROVED in part DENIED in part
[Signature] DATE: 2/4/2013

COMMUNITY PLANNING DIRECTOR APPROVED in part DENIED in part
[Signature] DATE: 2/4/13

PUBLIC WORKS DIRECTOR* _____ DATE _____

FILE #: 13EX006

ASSOCIATED FILE#: 13PL005

*Public Works Director's signature is not required for Lot Length to Width Exceptions, Ordinance No. 5434.

Copy to Utility Maintenance: _____ Copy to Water: _____ Copy to Waste Water: _____ Copy to Streets: _____ Copy to Traffic: _____ Copy to Construction: _____

FOR

the "Request for Exception 3" had multiple requests and therefore is Approved & Denied depending on the request being made. SPI

PROJECT NO. 3306
BRENT VORHEES
LOT AR OF LOT 4R, AND LOT 5R OF BLOCK 15,
CANYON LAKE HEIGHTS SUBDIVISION
JANUARY 14, 2013

PLAT OF
**LOT AR-1 AND LOT AR-2 OF LOT 4R OF BLOCK 15,
AND LOT 5R-1 OF BLOCK 15,
CANYON LAKE HEIGHTS SUBDIVISION,**
(FORMERLY LOT AR OF LOT 4R OF BLOCK 15, AND LOT 5R OF BLOCK 15,
CANYON LAKE HEIGHTS SUBDIVISION)
LOCATED IN THE SE1/4 OF THE SE1/4, OF SECTION 8, T1N, R7E, B.H.M.,
AND IN THE SW1/4 OF THE SW1/4, OF SECTION 9, T1N, R7E, B.H.M.,
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

UTILITY AND MINOR DRAINAGE EASEMENTS: 8' ON THE INTERIOR SIDES
OF ALL LOT LINES.

City of Rapid City (inside City Limits) (Final Plat-**Administrative**):

Certificate of Ownership (with Block for Notary)

Certificate of Finance Officer (Rapid City)(special assessments)

Certificate of Surveyor

Certificate of County Treasurer

Certificate of Director of Equalization

Certificate of Highway or Street Authority

Certificate of Growth Management Director (Approval of Final Plat-Chapter 16.08.035)

Certificate of Finance Officer (Approval of Final Plat)

Certificate of Register of Deeds

Ownership: MATT BENNE

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JAN 18 2013

**RAPID CITY COMMUNITY PLANNING
& DEVELOPMENT SERVICES**



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department Engineering Services Division

300 Sixth Street

Telephone: (605) 394-4154 Fax: (605) 355-3083

Web: www.rcgov.org

REQUEST FOR EXCEPTION TO RAPID CITY DESIGN STANDARD / CRITERIA / REGULATION

January 31, 2013

PROJECT: Canyon Lake Heights Subdivision

SUBMITTED BY: Sperlich Consulting for Matt Benne

DESCRIPTION OF REQUEST: To not improve the access easement including sewer main, curb & gutter, asphalt pavement, sidewalk, light conduit and additional easement width.

STAFF COMMENTS:

A previous subdivision variance request (City File #09SV007) was made for the same private roadway easement in 2009. At that time, the easement was to provide access to two single family lots. Based on the submitted layout plat application (City File #13PL005) the access easement is now proposed to be used to provide access to three single family lots. Previous subdivision variance request (09SV007) for the private roadway easement (access easement) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer was approved by City Council on 6/1/2009. Previous subdivision variance request (09SV007) for the private roadway easement (access easement) to reduce the pavement width from 20' to 12' was denied by City Council on 6/1/2009. The current City standards in the IDCM Figure 2-1 require a minimum 20' paved surface. Previous subdivision variance request (09SV007) for the private roadway easement to reduce the easement width from 45' to 30' was denied by City Council on 6/1/2009. At that time only one property adjacent to the easement was being platted, so only half (an additional 7.5') of the additional required easement was dedicated, for a total easement width of 37.5'. The current City standards in the IDCM Figure 2-1 require an easement width a minimum of 50'. The proposed plat includes platting of properties on both sides of the easement; therefore the entire easement width can be dedicated.

Sidewalks are required at the time of building permit and Staff does not have the authority to waive this requirement. Only the City Council has the authority to waive the requirement to install sidewalk per Rapid City Municipal Code Section 12.08.060.



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EQUAL OPPORTUNITY EMPLOYER

The Infrastructure Design Criteria Manual Section 3.15.1.2 states “Service lines shall not cross adjoining property lines and shall connect to mains fronting the property. Private service lines may not cross adjoining properties even if they are located in private easements.” The proposed layout plat application (City File #13PL005) does not propose any street frontage or frontage to a sanitary service main for Lot AR-1, thus a non-conforming sanitary service line would be created. The sanitary sewer main shall be extended to the property line of proposed Lot AR-1, as to not create a non-conforming sewer service to proposed Lot AR-1.

STAFF RECOMMENDATION: **Approve in part**, waiving the requirement to install curb, gutter, and light conduit within the access easement. **Deny in part**, waiving the requirement to install sanitary sewer, additional pavement width, sidewalk, and additional easement width within the access easement. Denial of the pavement width and easement width are consistent with the City Council’s previous determination for the private roadway easement. A minimum pavement width of 20’ shall be provided and a minimum easement width of 50’ shall be provided, per current City standards. Denial of the request to waive the requirement to install sanitary sewer is so that a non-conforming sanitary sewer service is not created. Denial of the request to waive the requirement to install sidewalk as City Staff cannot waive that requirement.

REVIEWED BY: Nicole Lecy 

FILE #: 13EX006

ASSOCIATED FILE #: 13PL005



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department Engineering Services Division

300 Sixth Street

Telephone: (605) 394-4154 FAX: (605) 355-3083

Web: www.rcgov.org

January 31, 2013

Mr. Matt Benne
4670 Cliff Drive
Rapid City, SD 57702

Re: Request for Exception to not improve the access easement including sewer main, curb & gutter, asphalt pavement, sidewalk, light conduit and additional easement width.

Associated with a Layout Plan Application to subdivide Lot AR of Lot 4R of Block 15 and Lot 5R of Block 15 of Canyon Lake Heights Subdivision, Section 8, T1N, R7E, and Section 9, T1N, R7E, Rapid City, Pennington County, South Dakota
City File # 13EX006, Related Files #13PL005

Dear Mr. Benne,

The Request for Exception to Chapter 16 of the Rapid City Municipal Code and to various design criteria contained within the Rapid City Infrastructure Design Criteria Manual (IDCM) to not improve the access easement including sewer main, curb & gutter, asphalt pavement, sidewalk, light conduit and additional easement width is **approved in part**, waiving the requirement to install curb, gutter, and light conduit within the access easement; and **denied in part**, waiving the requirement to install sanitary sewer, additional pavement width, sidewalk, and additional easement width within the access easement.

Waiving the requirement to install curb, gutter, and light conduit in the access easement is approved. Previous subdivision variance request (City File #09SV007) for the same private roadway easement (access easement) to waive the requirement to install curb, gutter, and street light conduit, was approved by City Council on 6/1/2009. Approval of the exception to not provide curb, gutter and street light conduit is consistent with the City Council's previous determination for the private roadway easement.

Waiving the requirement to install sanitary sewer main within the access easement is denied. The Infrastructure Design Criteria Manual Section 3.15.1.2 states "Service lines shall not cross adjoining property lines and shall connect to mains fronting the property. Private service lines may not cross adjoining properties even if they are located in private easements." The proposed layout plat application (City File #13PL005) does not propose any street frontage or frontage to a



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EQUAL OPPORTUNITY EMPLOYER

Matt Benne
January 31, 2013
Page 2

sanitary service main for Lot AR-1, thus a non-conforming sanitary service line would be created to serve the lot. A sanitary sewer main shall be extended through the access easement to the property line of proposed Lot AR-1, preventing a non-conforming sewer service to proposed Lot AR-1 from being created.

Waiving the requirement to install additional pavement width within the access easement is denied. Previous subdivision variance request (City File #09SV007) for the private roadway easement to reduce the pavement width from 20' to 12' was denied by City Council on 6/1/2009. The previous subdivision variance request was made for the same private roadway easement and at that time the easement was to provide access to two single family lots. Based on the submitted layout plat application (City file #13PL005) the access easement is now proposed to be used to provide access to three single family lots. Denial of the exception for pavement width is consistent with the City Council's previous determination for the private roadway easement. A minimum pavement width of 20' shall be provided per the current City standards in the IDCM Figure 2-1.

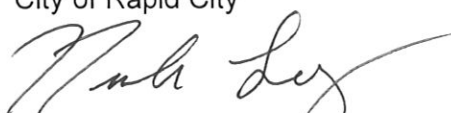
Waiving the requirement to install sidewalk within the access easement is denied. Sidewalks are required prior to issuance of a certificate of occupancy for a structure and not required at the time of platting, per Rapid City Municipal Code Section 16.16.050. Staff does not have the authority to waive the requirement to install sidewalks. Only the City Council has the authority to waive the requirement to install sidewalk per Rapid City Municipal Code Section 12.08.060.

Waiving the requirement to install additional easement width within the access easement is denied. Previous subdivision variance request (City File #09SV007) for the private roadway easement to reduce the easement width from 45' to 30' was denied by City Council on 6/1/2009. At that time only one property adjacent to the easement was being platted, so only half (an additional 7.5') of the additional required easement was dedicated, for a total easement width of 37.5'. The current City standards in the IDCM Figure 2-1 require an easement width a minimum of 50'. The proposed plat includes platting of properties on both sides of the easement; therefore the entire easement width shall be dedicated. Denial of the exception for easement width is consistent with the City Council's previous determination for the private roadway easement. A minimum easement width of 50' shall be provided per the current City standards in the IDCM Figure 2-1.

The denied portions of this exception request may be appealed to the City Council by requesting it be placed on the next Public Works Committee agenda. The City Council has final approval of exception requests. In order to appeal the denial the applicant shall file a written request of appeal to the Public Works Director within 10 working days of the denial. Please contact the Public Works Engineering Department if you desire to appeal.

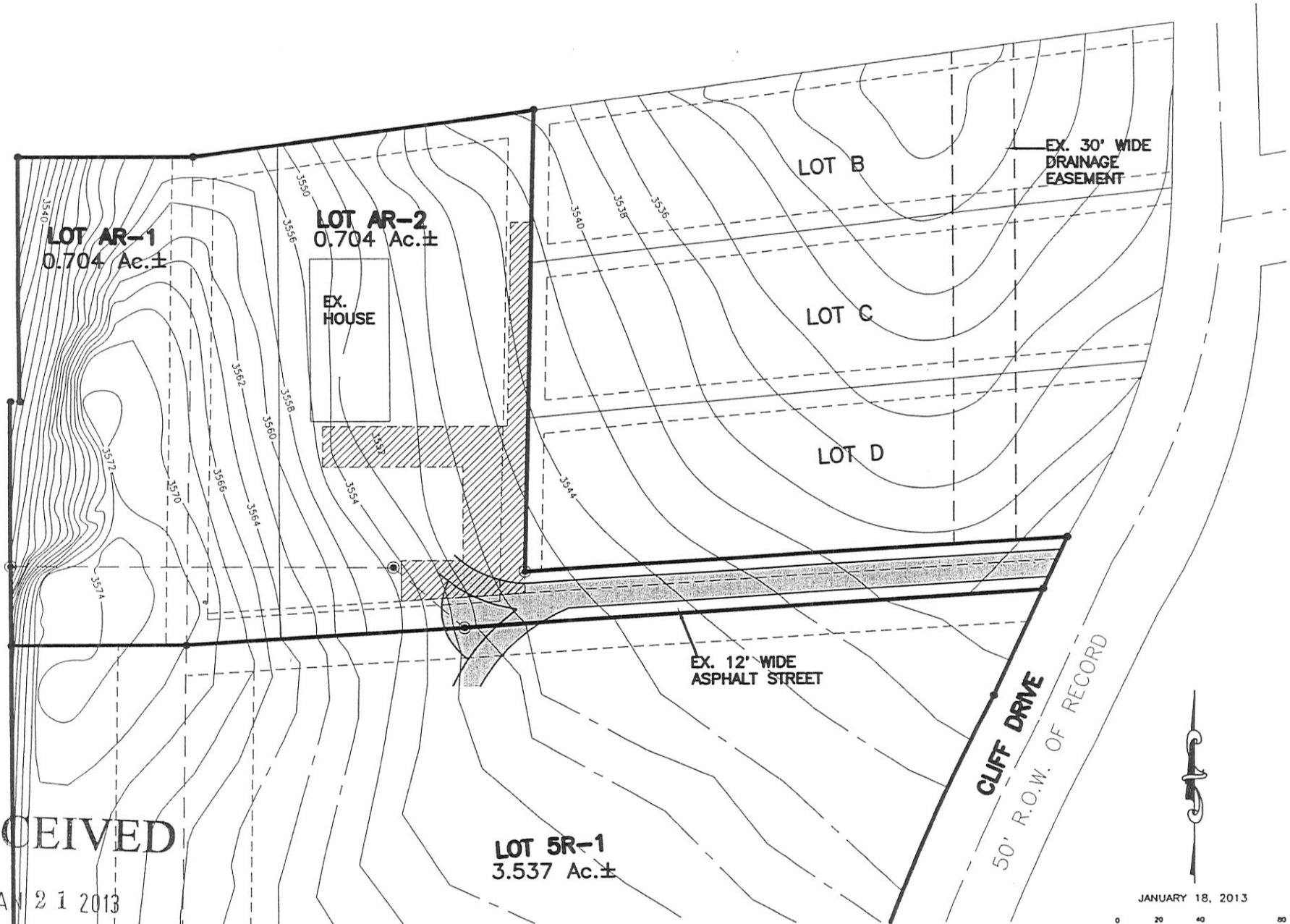
Sincerely,

City of Rapid City



Nicole Lecy, Project Engineer

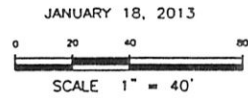
Cc: Doug Sperlich, Sperlich Consulting, 821 Columbus Street, Rapid City, SD 57701
Files



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JAN 21 2013

STREET & DRAINAGE



JANUARY 18, 2013

RECEIVED

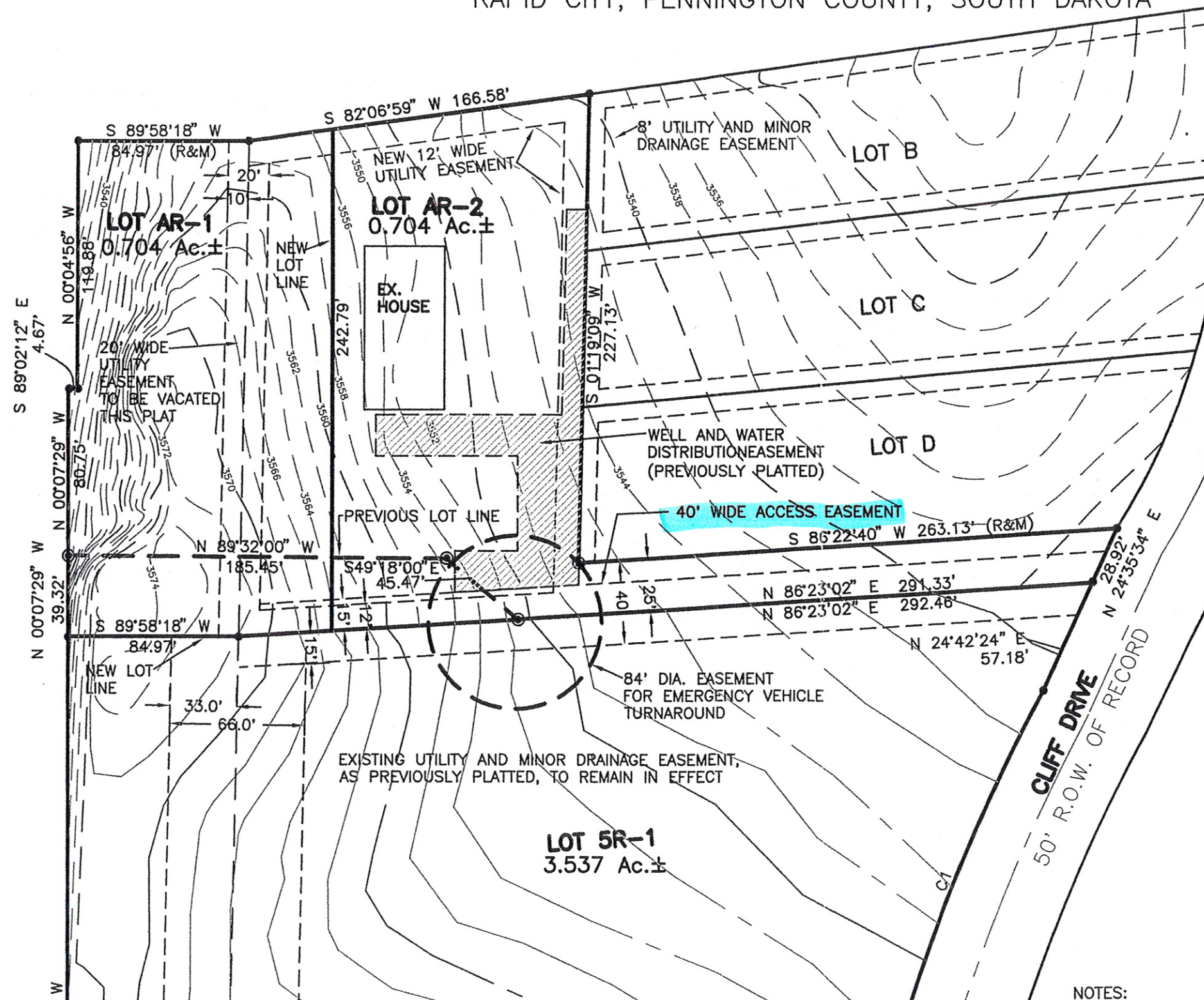
JAN 18 2013

RAPID CITY COMMUNITY PLANNING
& DEVELOPMENT SERVICES

(FORMERLY LOT AR OF LOT 4R OF BLOCK 15, AND LOT 5R OF BLOCK 15, CANYON LAKE HEIGHTS SUBDIVISION)
LOCATED IN THE SE1/4 OF THE SE1/4, OF SECTION 8, T1N, R7E, B.H.M.,
AND IN THE SW1/4 OF THE SW1/4, OF SECTION 9, T1N, R7E, B.H.M.,
RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

PLAT OF
LOT AR-1 AND AR-2 OF LOT 4R OF BLOCK 15,
AND LOT 5R-1 OF BLOCK 15,
CANYON LAKE HEIGHTS SUBDIVISION,

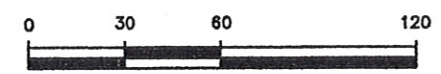
NAL Redlines
1/23/2012



FARVIEW
DRIVE



JANUARY 3, 2013



SCALE 1" = 60'



NOTES:

Legend

Roads

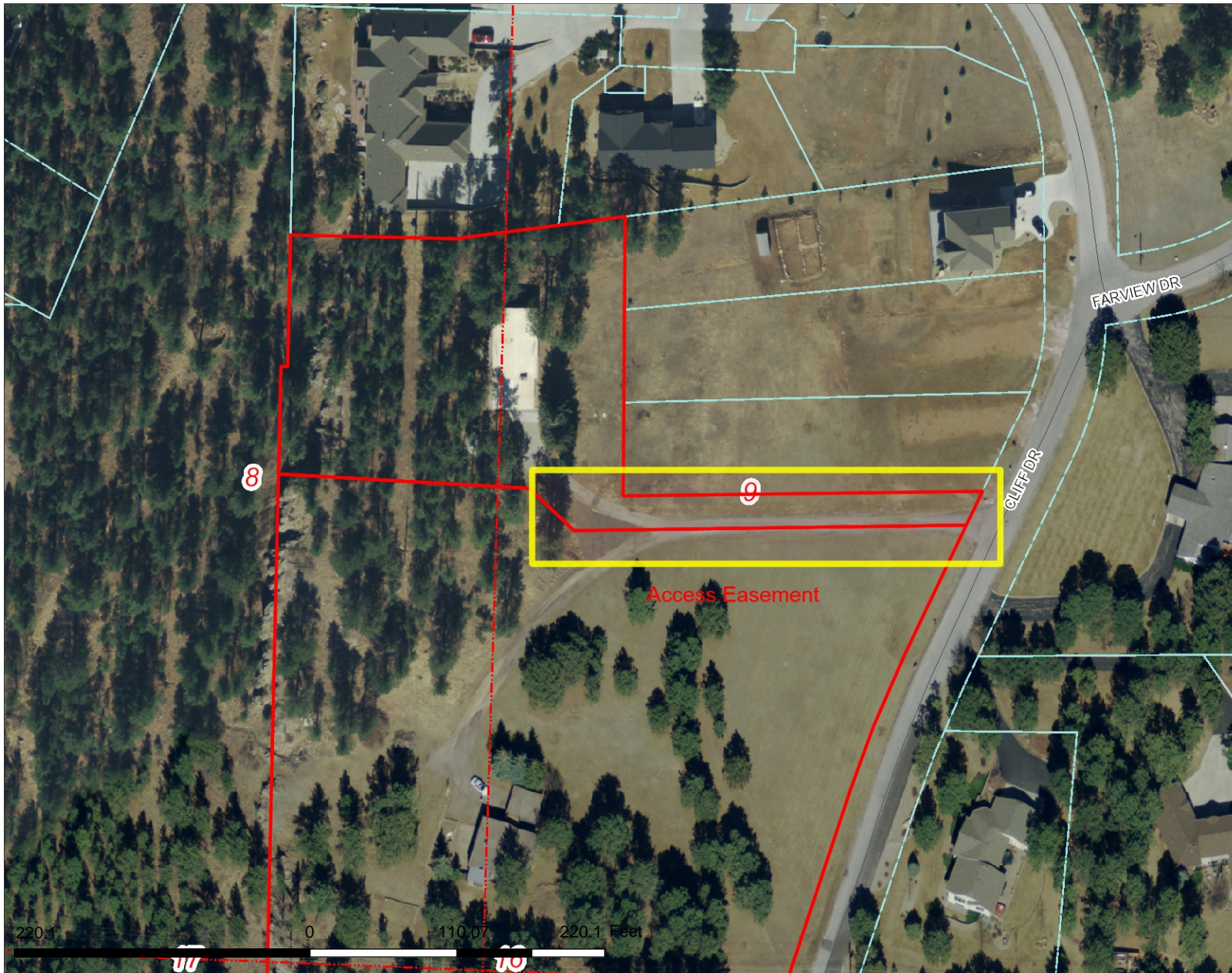
- Interstate
- US highway
- SD highway
- County highway
- Main road
- Minor arterial
- Collector
- Ramp
- Paved road
- Unpaved road
- FS Highway
- Driveway
- Paved Alley
- Unpaved Alley
- Unimproved road
- Trail
- Airport Runway
- Not yet coded

Township/Section Lines

- 0
- 7

Tax Parcels

- Lot Lines
- <Null>
- Lot Line
- Parcel Line
- County Line



Scale: 1: 1,321

Map Notes:

DISCLAIMER: This map is provided 'as is' without warranty of any representation to accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability, and fitness for or the appropriateness for use rests solely on the user. Rapid City and Pennington County make no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The user acknowledges and accepts the limitations of the map, including the fact that the data used to create the map is dynamic and is in the constant state of maintenance, correction, and update. This documents does not represent a legal survey of the land. There are no restrictions on the distribution of printed Rapid City/Pennington County maps, other than the City of Rapid City copyright/credit notice must be legible on the print. The user agrees to recognize and honor in perpetuity the copyrights and other proprietary claims for the map(s) established or produced by the City of Rapid City or the vendors furnishing said items to the City of Rapid City.