

STAFF REPORT

April 8, 2004

No. 04SV018 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 44

GENERAL INFORMATION:

PETITIONER	Gary and Donna Kluthe
REQUEST	No. 04SV018 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	SE1/4 NE1/4 and NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) Less Lot W, all located in Section 36, T1N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 25 of Bridle Path Estates, Section 36, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 64.19 acres
LOCATION	9425 Sheridan Lake Road
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	03/08/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement along Peregrine Point Place and the internal streets be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along Sheridan Lake Road and to install curb, gutter, sidewalk, street light conduit, water and sewer along Peregrine Point Place and the internal streets be approved with the following stipulations:

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1. That a sidewalk be provided along the one side of the internal streets;
2. The lot approaches along the internal streets shall be constructed as part of the subdivision improvements to assure that an adequately sized culvert as per engineering analysis is installed and properly located;
3. Erosion control measures shall be provided in the ditches as needed;
4. Upon submittal of a Preliminary Plat application, the plat document shall be revised to dedicate an additional 17 feet of right-of-way along Sheridan Lake Road; and,
5. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter street light conduit, water and sewer along Sheridan Lake Road; to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along Peregrine Point Place; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the proposed interior streets. The applicant has also submitted a Layout Plat to subdivide the subject property, a 64.19 acre parcel, into 25 residential lots ranging in size from 1.53 acres to 5.53 acres. (See companion item #04PL034.)

On March 3, 2003, the City Council approved a Layout Plat to subdivide the subject property into two lots. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to improve Sheridan Lake Road and Peregrine Point Place with the stipulation that the first fifty feet of Peregrine Point place be paved to driveway standards.

STAFF REVIEW:

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

Sheridan Lake Road: Sheridan Lake Road 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, sidewalk, water and sewer. Currently, Sheridan Lake Road is located in a 66 foot wide right-of-way with an approximate 36 foot wide paved surface. Requiring the improvements along Sheridan Lake Road as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Sheridan Lake Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements and that the plat document be revised to dedicate an additional 17 feet of right-of-way along Sheridan Lake Road.

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Peregrine Point Place: A section line highway, Peregrine Point Place, is located along the east lot line of the subject property. The road is classified as a lane place street requiring a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water, sewer and pavement. Currently, Peregrine Point Place is located in a 66 foot wide right-of-way with an approximate 20 foot wide graveled surface. The Layout Plat identifies that the subject property will be subdivided to create 25 residential lots. The previous Variance to the Subdivision Regulations request to waive the requirement to improve Peregrine Point Place was approved since the previous Layout Plat proposed to subdivide the subject property into two lots. The City Council noted that Peregrine Point Place would function as a driveway in lieu of a street since only one of the lots accessed via the street. However, the densities currently proposed support that Peregrine Point Place now be paved to City street design standards. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to pave Peregrine Point Place be denied. Staff has also noted that this proposed Layout Plat identifies the lots along Peregrine Point Place with double street frontage. The Subdivision Regulations discourages lots with double street frontage. Staff is suggests that the applicant consider reconfiguring the proposed Layout Plat to avoid lots with double street frontage and to improve the cost effectiveness of paving Peregrine Point Place.

As previously noted, curb, gutter, sidewalk, street light conduit, water and sewer have not been constructed along Sheridan Lake Road. Peregrine Point Place extends south from Sheridan Lake Road. Requiring the improvements along Peregrine Point Place as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Sheridan Lake Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Bridle Path Lane/Horseshow Loop: The plat document identifies Bridle Path Lane, a cul-de-sac street, extending south from Sheridan Lake Road serving as legal access to the subject property. The plat document also identifies Horseshoe Loop as an internal street serving as access to several of the lots within the development. That portion of Bridle Path Lane and Horseshoe Loop abutting proposed Lot 2 are classified as a sub-collector street requiring that the streets be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer. The balance of Bridle Path Lane and Horseshoe Loop are classified as a lane place street requiring that the street be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. In addition, the cul-de-sac bulb for Bridle Path Lane must be located in a minimum 110 foot wide diameter right-of-way with a minimum 90 foot wide diameter paved surface. The applicant is proposing to pave the internal streets to City street design standards but has requested that a Variance to the Subdivision Regulations to waive the balance of the improvements be granted. Due to the pedestrian traffic generated by the proposed densities identified on the associated Layout Plat, staff is recommending that a sidewalk be constructed along one side of the street. A sidewalk along one side of the street also

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provides an area for children to play on a hard surface outside of the paved street section.

Staff has also noted that Bridle Path Lane and Horseshoe Loop extend south from Sheridan Lake Road. As previously indicated, curb, gutter, sidewalk, street light conduit, water and sewer have not been constructed along Sheridan Lake Road. Requiring the improvements along these two streets will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the balance of the improvements along Bridle Path Lane and Horseshoe Loop be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. In addition, staff is recommending that the lot approaches be constructed as part of the subdivision improvements to assure that an adequately sized culvert as per engineering analysis is installed and properly located. This will insure that adequate depth of ditch section will be provided in order to accommodate anticipated flows in the ditch and through approach culverts. Staff is also recommending that erosion control measures be provided in the ditches as needed.

Road Connections: Staff is recommending that the plat document be revised to provide a street connection to the south lot line and the west lot line of the subject property in order to provide adequate road networking within the area. The two streets will be classified as lane place streets requiring that they be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Staff is recommending that the streets be paved to City street design standards and that a sidewalk be provided along one side of the street as identified above. Staff is also recommending that the Variance to the Subdivision Regulations to waive the balance of the improvements along the two streets be approved as identified above with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. In addition, as noted above, staff is recommending that the lot approaches be constructed as part of the subdivision improvements to assure that an adequately sized culvert as per engineering analysis is installed and properly located. This will insure that adequate depth of ditch section will be provided in order to accommodate anticipated flows in the ditch and through approach culverts. Staff is also recommending that erosion control measures be provided in the ditches as needed.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 8, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.