

STAFF REPORT
October 22, 2009

No. 09SV020 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to reduce the pavement width from 24 feet to 18 and 15 feet, respectively, as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Hewey Clemmons
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Hewey Clemmons
REQUEST	No. 09SV020 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to reduce the pavement width from 24 feet to 18 and 15 feet, respectively, as per Chapter 16.16 of the Rapid City Municipal Code

EXISTING
LEGAL DESCRIPTION

A portion of the balance of Lot 3 of the S½SW¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet, more or less; thence, N63°41'40"W a distance of 205.00 feet, more or less; thence, N84°39'26"W a distance of 270.00 feet, more or less; thence, N33°30'20"W a distance of 84.00 feet, more or less; thence, N00°00'00"W a distance of 796.70 feet, more or less; thence, N57°23'22"W a distance of 117.40 feet, more or less; thence, N03°48'46"E a distance of 95.00 feet, more or less; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'31", an arc length of 442.55 feet, and a chord bearing and distance of S62°19'02"E 442.44 feet, more or less; thence,

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continuing southeasterly along the southerly edge of the adjoining right-of-way, S64°32'29"E a distance of 72.19 feet more or less, to the point of beginning

PROPOSED LEGAL DESCRIPTION	Lots A and B of Clemmons Addition, located in the S1/2 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 13.14 acres
LOCATION	6299 East Highway 44
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Suburban Residential District (Planned Unit Development)
East:	Limited Agriculture District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	9/25/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and water along the access street be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;
2. Prior to City Council approval, construction plans shall be submitted for review and approval showing a sidewalk along one side of the access street;
3. Prior to submittal of a Final Plat application, a note shall be placed on the plat stating that "All new residential structures shall be fire sprinklered"; and,

That the Variance to the Subdivision Regulations to reduce the minimum required 24 foot wide paved surface be approved with the following stipulations:

1. That a minimum 20 foot wide paved surface be provided; and,
2. That the existing 15 foot wide cattle guard be replaced with a minimum 20 foot wide

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cattle guard; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied.

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 to reduce the pavement width from 24 feet to 18 feet and 15 feet, respectively, for the access street extending south from S.D. Highway 44 to serve the property. In addition, the applicant has submitted a Layout and Preliminary Plat (File #09PL061) to subdivide the property creating two lots leaving an approximate 49 acre balance.

On March 17, 2008 City Council denied without prejudice at the applicant's request a Layout Plat (File #08PL013) and a Variance to the Subdivision Regulations (File #08SV008) for the property.

On May 5, 2008, the City Council approved a Layout Plat (File #08PL042) to subdivide the property into four lots. In addition, a Variance to the Subdivision Regulations (File #08SV019) was approved in part and denied in part. The applicant has subsequently revised the proposed plat to create two lots instead of four lots and has submitted this application for review and approval.

The property is located southwest of the intersection of S.D. Highway 44 and Apple Tree Road. The property is currently zoned Low Density Residential District in Pennington County. Currently, a single-family residence and garage are located on proposed Lot B. Proposed Lot A is currently void of any structural development.

STAFF REVIEW:

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

Sewer: The applicant has indicated that the existing residence located on proposed Lot B is served by a septic tank and drainfield. The applicant has indicated that a similar on-site wastewater system will be utilized on proposed Lot A. However, Chapter 16.16.050 of the Rapid City Municipal Code states that any subdivision located within 500 feet of the Rapid City sewer system or an central sewer system shall be required to hook up to that system, unless in the opinion of the City Engineer, special circumstances warrant the waiving of this requirement. Currently, a 42 inch sewer main is located within the S.D. Highway 44 right-of-way approximately 200 feet from the property. Staff has reviewed the request to waive the requirement to connect to the City sewer system and has noted that a sewer main must be installed to serve the property as per Chapter 16.16.050 of the Rapid City Municipal Code.

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Pursuant to Chapter 16.16.050 of the Rapid City Municipal Code, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied.

Water: A water main currently exists within the S.D. Highway 44 right-of-way and serves the Rapid City Regional Airport. However, the existing water system does not have adequate capacity for additional services without compromising fire flow capacity at the Airport. The applicant has indicated that two wells currently serve this property. In addition, the applicant has submitted water data identifying that domestic flows can be provided; however, the wells do not provide fire flows.

Due to the current lack of adequate capacity within the existing water system to serve the Rapid City Regional Airport, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install a water main to serve the property be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement. In addition, since the existing wells do not provide fire flows, staff recommends that a note be placed on the plat stating that "All new residential structures shall be fire sprinklered".

Access Street: An access street extends south from S.D. Highway 44 and serves as access to the property. The access street 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. The street is located in State right-of-way and currently constructed with an approximate 40 foot wide graveled surface. The applicant has submitted plans showing the street improved with an 18 foot wide paved surface and with an existing 15 foot wide cattle guard located along the northern lot line of the property. The applicant has also submitted drainage information identifying that the existing culvert(s) and the existing ditch design will accommodate drainage along the access street. As such, staff recommends that the Variance to the Subdivision Regulations to waive curb and gutter be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

The Planning Commission and the City Council have consistently required sidewalks along streets as a part of the review and approval of a plat even when sidewalks currently don't exist within the area. The goal has been to secure a safe pedestrian walkway, even if secured in a piecemeal design, and to secure a safe place for children to play outside of the street. Providing a sidewalk on one side of the street as it abuts the property would provide a pedestrian walkway and a safe place for children to play along this section of the access street. While the sidewalk will not connect to other existing sidewalks on the adjacent lots, this will start the process toward establishing sidewalks in the neighborhood. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along both sides of the access street be approved with the stipulation that the applicant provide a sidewalk along one side of the street and that the applicant sign a waiver of right to protest any future assessment for the sidewalk along the east side of the

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street.

As noted above, the applicant is requesting to reduce the pavement width from 24 feet to 18 feet along the access easement and to allow a 15 foot wide cattle guard in lieu of a 24 foot wide cattle guard. The Fire Department has indicated that a minimum 20 foot wide paved access street must be provided in order to insure adequate fire apparatus access to the property. As such, staff recommends that the Variance to the Subdivision Regulations to reduce the minimum required 24 foot wide paved surface be approved with the stipulations that a minimum 20 foot wide paved surface be provided and that the existing 15 foot cattle guard be replaced with a minimum 20 foot wide cattle guard.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 22, 2009 Planning Commission meeting if this requirement is not met.