

STAFF REPORT  
May 25, 2006

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**No. 05SV060 - Variance to the Subdivision Regulations to waive the ITEM 39 requirement to install sewer, curb, gutter, sidewalk, street light conduit; to dedicate additional right-of-way; and to allow platting one half of a right-of-way**

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GENERAL INFORMATION:

PETITIONER	Britton Engineering & Land Surveying for Prairiefire Investments, LLC
REQUEST	<b>No. 05SV060 - Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, street light conduit; and dedicate additional right-of-way; and allow platting one half of a right-of-way</b>
EXISTING LEGAL DESCRIPTION	A portion of the SE1/4 NE1/4, less the Eisenbraun Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2 acres
LOCATION	At the western terminus of Mondo Street
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	Community water and private on-site wastewater
DATE OF APPLICATION	8/15/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

**Staff recommends that the Variance to the Subdivision Regulations to dedicate additional right-of-way along Anderson Road be denied without prejudice;**

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**That the Variance to the Subdivision Regulations to waive the requirement to allow platting half of a right-of-way along Anderson Road be approved; and,**

**That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit and sewer along Anderson Road be approved with the following stipulation:**

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.**

GENERAL COMMENTS:

**(Update, May 15, 2006. All revised and/or added text is shown in bold print.) This item was continued at the May 4, 2006 Planning Commission meeting to allow the applicant to address density and sewer issues relative to the subject property. On May 8, 2006 the applicant submitted construction plans for the extension of a 27 inch sewer main from the City's sewer plant located east of the subject property to serve the proposed development. The applicant had previously submitted revised construction plans showing sewer lines within the proposed development and a revised plat document increasing the density from 22 one acre lots to 75 lots ranging in size from .506 acres to 1.149 acres.**

(Update, April 24, 2006. All revised and/or added text is shown in bold print.) This item was continued at the April 20, 2006 Planning Commission meeting to allow the applicant to address density and sewer issues relative to the subject property. On April 4, 2006, staff met with the applicant to further discuss the option of extending a sewer main from the City's sewer plant located east of the subject property to serve the proposed development. In particular, it was identified that the Public Works Committee and the City Council must review and approve the oversizing of the sewer main to be installed in order to insure that neighborhood properties as well as the subject property can be served. To date, the City Council has not approved the size of the sewer main to be extended to the subject property. On April 21, 2006, the applicant submitted revised construction plans showing sewer lines within the proposed development; however, to date, construction plans for the sewer main from the City's sewer plant to the subject property has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the May 25, 2006 Planning Commission meeting to allow the Public Works Committee and the City Council to review this item and to allow the applicant to submit construction plans accordingly. Please note that no other part of this Staff Report has been revised.

(Update, April 8, 2006. All revised and/or added text is shown in bold print.) This item was continued at the April 6, 2006 Planning Commission meeting to allow the applicant to address density and sewer issues relative to the subject property. On April 4, 2006, staff met with the applicant to further discuss the option of extending a sewer main from the City's sewer plant located east of the subject property to serve the proposed development. In particular, it was identified that the Public Works Committee and the City Council must

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review and approve the oversizing of the sewer main to be installed. In particular, the City must review and approve the sewer main size not only to serve the subject property but neighborhood properties as well. As such, staff is recommending that the Preliminary Plat be continued to the May 4, 2006 Planning Commission meeting to allow the Public Works Committee and the City Council to review this item and to allow the applicant to submit construction plans accordingly. Please note that no other part of this Staff Report has been revised.

(Update, March 24, 2006. All revised and/or added text is shown in bold print.) This item was continued at the March 23, 2006 Planning Commission meeting to allow the applicant to address density and dry sewer issues relative to the subject property. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the April 20, 2006 Planning Commission meeting to allow the applicant additional time to submit the information. Please note that no other part of this Staff Report has been revised.

(Update, March 12, 2006. All revised and/or added text is shown in bold print.) This item was continued at the March 9, 2006 Planning Commission meeting to allow the applicant to address density and dry sewer issues relative to the subject property. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the April 6, 2006 Planning Commission meeting to allow the applicant additional time to submit the information. Please note that no other part of this Staff Report has been revised.

(Update, February 24, 2006. All revised and/or added text is shown in bold print.) This item was continued at the February 9, 2006 Planning Commission meeting at the applicants' request to allow them to address density and dry sewer issues relative to the subject property. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the March 23, 2006 Planning Commission meeting to allow the applicant additional time to submit the information. Please note that no other part of this Staff Report has been revised.

(Update, January 31, 2006. All revised and/or added text is shown in bold print.) This item was continued at the January 26, 2006 Planning Commission meeting at the applicant's request. The applicant has, subsequently, requested that this item be continued to the March 9, 2006 Planning Commission meeting to allow them to address density and dry sewer issues relative to the subject property. As such, staff is recommending that the Preliminary Plat be continued to the March 9, 2006 Planning Commission meeting as requested. Please note that no other part of this Staff Report has been revised.

(Update, January 14, 2006. All revised and/or added text is shown in bold print.) This item was continued at the November 23, 2005 Planning Commission meeting at the applicant's request. The applicant has, subsequently, requested that this item be continued to the

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February 9, 2006 Planning Commission meeting to allow them to address density and dry sewer issues relative to the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations and the associated Preliminary Plat be continued to the February 9, 2006 Planning Commission meeting as requested. Please note that no other part of this Staff Report has been revised.

(Update, November 16, 2005. All revised and/or added text is shown in bold print.) This item was continued at the November 10, 2005 Planning Commission meeting at the applicant's request. The applicant has, subsequently, requested that this item be continued to the January 26, 2006 Planning Commission meeting to allow them to address density and dry sewer issues relative to the subject property. As such, staff is recommending that the Preliminary Plat be continued to the January 26, 2006 Planning Commission meeting as requested. Please note that no other part of this Staff Report has been revised.

(Update, October 31, 2005. All revised and/or added text is shown in bold print.) This item was continued at the September 22, 2005 Planning Commission meeting at the applicant's request. The applicant has, subsequently, requested that this item be continued to the November 23, 2005 Planning Commission meeting to allow them to address density and dry sewer issues relative to the subject property. As such, staff is recommending that the Preliminary Plat be continued to the November 23, 2005 Planning Commission meeting as requested. Please note that no other part of this Staff Report has been revised.

(Update, September 11, 2005. All revised and/or added text is shown in bold print.) This item was continued at the September 8, 2005 Planning Commission meeting at the applicant's request. The applicant has, subsequently, requested that this item be continued to the November 11, 2005 Planning Commission meeting to allow them to address density and dry sewer issues relative to the subject property. As such, staff is recommending that the Preliminary Plat be continued to the November 10, 2005 Planning Commission meeting as requested. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, to dedicate additional right-of-way and to allow platting half a right-of-way. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into two residential lots leaving a non-transferable unplatted balance. (See companion item #05PL157.)

The property is located in the southwest corner of the intersection of Mondo Street and Anderson Road and is currently void of any structural development.

STAFF REVIEW:

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

**Anderson Road: Anderson Road is located along the east lot line of the subject property.**

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Anderson Road is classified as a collector street on the City's Major Street Plan requiring that the street be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface or constructed with a minimum 24 foot side right-of-way and posted with no-parking signs with curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Anderson Road is located in a 66 foot wide right-of-way and constructed with a 24 foot wide paved surface. The applicant is proposing to plat the western 33 feet of the section line highway. However, the Subdivision Regulations does not allow the platting of a "half street" and, therefore, the applicant has requested the Variance to the Subdivision Regulations. The applicant does not own the east half of the proposed road. However, in this specific situation the existing road is located in a section line highway. As such, staff is recommending that the Variance be approved.

The applicant had originally requested a Variance to the Subdivision Regulations to waive the requirement to dedicate an additional five feet of right-of-way from the subject property as it abuts Anderson Road. On April 4, 2006, the applicant submitted a revised plat document showing the dedication of the five additional feet of right-of-way. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the additional right-of-way be denied without prejudice.

The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along Anderson Road. Staff has noted that requiring the balance of the improvements along Anderson Road as it abuts the subject property will result in a discontinuous street section. In addition, ditches have been constructed along Anderson Road to carry drainage flows making it difficult to construct sidewalks along the street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Anderson Road be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

**Legal Notification Requirement:** The receipts from the certified mailings have been returned.