

STAFF REPORT
May 22, 2008

No. 08SV025 - 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 28

GENERAL INFORMATION:

APPLICANT	Andrea K Sabow
AGENT	Renner & Associates
PROPERTY OWNER	Andrea K. Sabow
REQUEST	No. 08SV025 - 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	The E1/2 E1/4 NW1/4 SW1/4, Section 14, T1N, R7E, BHM, Pennington County, South Dakota, excepting there from Lot B of the S1/4 NW1/4, N1/4 SW1/4, Section 14, shown on the plat filed in Plat Book 3, Page 155, and also excepting there from Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and that part of the NE1/4 SW1/4, Section 14, bounded on the north by Lot B of the S1/4 NW1/4 and the N1/4 of the SW1/4, Section 14, shown on the plat filed in Plat Book 3, page 155, and bounded on the east by the right-of-way for "Old U.S. Highway 16" shown on the plat filed in Highway Plat Book 2, Page 48, and bounded on the south by Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and bounded on the west by the west boundary line of said NE1/4 SW1/4
PROPOSED LEGAL DESCRIPTION	Tracts A and B of Tower Place, (description formerly as shown in Book 57 of Deeds, Page 7057, recorded on January 26, 1995), located in the N1/2 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.89 acres
LOCATION	1640 Skyline Ranch Road
EXISTING ZONING	Park Forest District

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SURROUNDING ZONING

North:	General Commercial District
South:	General Agriculture District
East:	General Commercial District - Office Commercial District
West:	Park Forest District

PUBLIC UTILITIES Private on-site water and wastewater

DATE OF APPLICATION 4/11/2008

REVIEWED BY Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the **Planning Commission acknowledge the applicant's request that the Variance to the Subdivision Regulations Variance 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sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be withdrawn.**

GENERAL COMMENTS:

(Update, May 9, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 8, 2008 Planning Commission meeting to allow the applicant to submit additional information. On May 12, 2008, the applicant requested that this item be withdrawn. As such, staff is recommending that the Planning Commission acknowledge the applicant's request that the Variance to the Subdivision Regulations be withdrawn.

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 additional pavement along Tower Road, Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water sewer and pavement along Hanks Drive as they abut the property. In addition, the applicant has submitted a Preliminary Plat (File #08PL052) to subdivide the property, a 10.89 acre parcel, into two lots.

On September 5, 2006, the City Council denied without prejudice a Preliminary Plat (File #06PL086) to subdivide the property into two lots at the applicant's request. In addition, the City Council denied without prejudice a Variance to the Subdivision Regulations (File #06SV038) to waive the requirement to improve the adjacent streets at the applicant's request.

The property is located in the northwest corner of the intersection of Tower Road and Skyline Ranch Road. Currently, two single family residences are located on proposed Tract B. Proposed Tract A is void of any structural development.

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STAFF REVIEW:

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

Water: A 10 inch City water main is located along Tower Road and an 8 inch City water main is located along Skyline Ranch Road. However, City water does not currently serve the subject property. The applicant has indicated that the two residences are currently served by a well. If the well is to serve both lots, then the well must be designed by a Registered Professional Engineer as a public water system. In addition, a water system analysis verifying the adequacy of water quantity and storage capacity for domestic and fire flows must be submitted for review and approval. The applicant must also submit a Master Utility Plan showing the location of existing City water main(s) and fire hydrants along Tower Road and Skyline Ranch Road. Staff can not adequately review the Variance to the Subdivision Regulations request to waive the requirement to install water mains without the above referenced information. As such, staff is recommending that this item be continued to allow the applicant to submit the information.

Sewer: The applicant has indicated that private on-site septic systems currently serve the two residences located on proposed Tract B. However, a site plan showing the location of the septic tank(s) and drainfield(s) has not been submitted for review and approval. In addition, a City sewer main is located along Tract B and a portion of Tract A within the Tower Road right-of-way. Chapter 16.16.050.B states that "any subdivision located within 500 feet of the Rapid City sewer system or any 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". To date, the applicant has not submitted an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems. In addition, the applicant has not submitted information demonstrating special circumstances to warrant waiving the requirement to connect to City sewer. A Master Utility Plan must also be submitted for review and approval showing the location of the City sewer main on Tower Road. Staff can not adequately review the Variance to the Subdivision Regulations request to waive the requirement to install sewer mains without the referenced information. As such, staff is recommending that this item be continued to allow the applicant to submit the information.

Street Improvements: To date, a drainage plan has not been submitted for review and approval showing adequate road drainage without curb and gutter. As such, staff is recommending that this item be continued to allow the applicant to submit the information.

Sidewalks: Chapter 12.16.080 of the Rapid City Municipal Code states that a sidewalk is not required on a residential lot when the street frontage of the lot is in excess of 200 feet per dwelling unit on the lot. The Preliminary Plat shows the street frontage along the two lots ranging a distance of 375 feet to 570 feet. As such, sidewalks are not required. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks be denied without prejudice.

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Legal Notification Requirement: The receipts from the certified mailings have been returned.
As of this writing, staff has received one inquiry regarding this proposal.