

STAFF REPORT

February 20, 2003

No. 03SV006 - Variance to the Subdivision Regulations to waive the requirement for section line highway and Enchantment Road street improvements

ITEM 41

GENERAL INFORMATION:

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| PETITIONER | Kent Snow |
| REQUEST | No. 03SV006 - Variance to the Subdivision Regulations to waive the requirement for section line highway improvements and to waive the requirement to install sewer and sidewalk along Enchantment Road |
| EXISTING LEGAL DESCRIPTION | Lots 37, 38 and 39, Enchanted Hills No.4 Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots 37R, 38R and 39R, Enchanted Hills No.4 Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 1.2814 acres |
| LOCATION | 639 Enchantment Road |
| EXISTING ZONING | Low Density Residential District |
| SURROUNDING ZONING | |
| North: | Low Density Residential District |
| South: | Low Density Residential District |
| East: | Low Density Residential District |
| West: | Low Density Residential District |
| PUBLIC UTILITIES | City Water and Private Septic |
| DATE OF APPLICATION | 01/27/2003 |
| REPORT BY | Tom Kurtenbach |

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations waiving improvements to the section line highway and Enchantment Road be approved with the following stipulations:

Urban Planning Division Recommendations:

1. Prior to Final Plat approval by the City Council, the applicant shall submit a signed Waiver of Right to Protest an assessment district for the required subdivision improvements.

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GENERAL COMMENTS: A section line highway abuts the west lot line of Lot 39 and Enchantment Road abuts the north lot lines of Lots 37, 38 and 39. The applicant has submitted an application for a Variance to the Subdivision Regulations to waive the requirement to install paving, curb, gutter, sidewalk, street light conduit, water and dry sewer in the section line highway abutting the west lot line of Lot 39, and sidewalk and sewer along Enchantment Road. The Subdivision Regulation requirements are triggered with the applicant's proposal to relocate two common lot lines affecting existing Lots 37, 38 and 39 in the Enchanted Hills No. 4 Subdivision (Companion Item No. 03PL013).

Currently a residence occupies Lot 37, and another residence is under construction on Lot 39. There is no structural development on Lot 38 at this time. The residence on Lot 37 currently encroaches into the side yard setback along the common lot line with Lot 38. This proposed platting action will eliminate the structural encroachment into the side yard setback for Lot 37.

STAFF REVIEW: Staff has reviewed the request and noted the following considerations:

Section Line Highway: Currently, paving, curb, gutter, sidewalk, water, sewer and street light conduit do not exist along the section line highway that abuts the subject property. The applicant has submitted a request for a Variance to the Subdivision Regulations to waive the requirement to install these subdivision improvements along this segment of section line highway.

Currently the section line highway in the vicinity of the subject property is utilized by Black Hills Power and Light for overhead electrical transmission lines. The terrain in this area is rugged with estimated slopes exceeding 16 percent. Access to properties located to the west of the subject property is available from Ridgeview Road, while properties to the north and south take access from Enchantment Road. Based on the City Council and Planning Commission's policy of authorizing variances to the improvement requirements when there is no increase in the density of development, Staff recommends approval of the Variance to the Subdivision Regulations waiving the required improvements along the section line highway.

Enchantment Road: Currently, there is no sewer located in Enchantment Road. City Engineering Staff has indicated that sewer improvements are not planned for this area in the near future. Sidewalk exists only on one side of Enchantment Road. Based on the City Council and Planning Commission's policy of authorizing variances to the improvement requirements when there is no increase in the density of development, Staff recommends approval of the Variance to the Subdivision Regulations waiving sidewalk and sewer improvements along Enchantment Road.

Staff recommends that prior to Final Plat approval by the City Council, the applicant shall submit a signed Waiver of Right to Protest for an assessment district for the required subdivision improvements.

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Legal Notification Requirement: At the time of this writing, the receipts from the certified mailing have been returned. To date, staff has received two calls or inquiries regarding this proposal. The callers did not voice opposition to the proposal.