

STAFF REPORT

March 6, 2003

No. 03SV007 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Starlite Drive and access easement(s) and to allow sidewalk on one side of Forest Park Circle as per Chapter 16.12 of the Subdivision Regulations

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineering for Allen Nelson
REQUEST	No. 03SV007 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Starlite Drive and access easement(s) and to allow sidewalk on one side of Forest Park Circle as per Chapter 16.12 of the Subdivision Regulations
EXISTING LEGAL DESCRIPTION	Lot 3 and Lot 25 of Forest Park Estates Subdivision and the north 200 feet of the south 940 feet of the west 450 feet of Tract A, all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 3R, 25R, and 27 of Forest Park Estates all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.2 acres
LOCATION	4231 Starlite Drive
EXISTING ZONING	Low Density Residential District w/Planned Residential Development and Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District w/Planned Residential Development and Low Density Residential District
South:	Low Density Residential District w/Planned Residential Development and Low Density Residential District
East:	Low Density Residential District w/Planned Residential Development
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water and on-site wastewater and water
DATE OF APPLICATION	02/07/2003

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REPORT BY

Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Starlite Drive and access easement(s) and to allow sidewalk on one side of Forest Park Circle as per Chapter 16.12 of the Subdivision Regulations be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the installation of curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Starlite Drive; and,
2. A sidewalk shall be constructed on one side of Forest Park Circle.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations as outlined above. In addition, the applicant has submitted a Preliminary and Final Plat to reconfigure the three lots. (See companion item #03PL016.)

On September 26, 2002, the City Council approved Layout Plat 02PL084 to subdivide the subject property as proposed by this plat.

The property is located in the Forest Park Estates Subdivision, south of Starlite Drive and west of Forest Park Circle. Currently, a single family residence is located on each of the lot(s).

STAFF REVIEW:

During the review of the Variance to the Subdivision Regulations, staff identified the following considerations:

Water and Sewer: Currently, Lots 25R and Lot 27 are served by individual on-site water and wastewater systems. Lot 3R is currently being served by City water and sewer. In the past where the proposed plat does not result in an increase in density, the Planning Commission and the City Council have supported granting the Variance request. Staff is recommending that the Variance to the Subdivision Regulations be approved contingent upon the applicant signing a Waiver of Right to Protest a future assessment project for the improvements.

Access: Starlite Drive is located north of the subject property and serves as legal access to Lot 25R. A forty foot wide utility and access easement extends south from Starlite Drive and serves as access to Lot 27. Currently, Starlite Drive and the utility and access easement are twenty foot wide paved road(s). Forest Park Circle is located east of the property and

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serves as access to Lot 3R. Currently, Forest Park Circle is an approximate 24 foot wide paved road with curb and gutter. In addition, a fifty foot wide access and utility easement is located adjacent to proposed Lot 25 R and serves as access to an existing lot known as "Lot 2". A 40 foot wide access easement is located along a portion of Lot 3R and serves as access to a lot located directly south of the subdivision. Neither easement is constructed to City street design standards. Again staff notes that in the past where the proposed plat does not result in an increase in density, the Planning Commission and the City Council have supported granting the Variance request. Staff is recommending that the Variance to the Subdivision Regulations be approved contingent upon the applicant signing a Waiver of Right to Protest any future assessment project for the improvements and that a sidewalk be constructed along one side of Forest Park Circle as proposed by the applicant.

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 March 6, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.