

STAFF REPORT

July 10, 2003

No. 03SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 36

GENERAL INFORMATION:

PETITIONER	Centerline, Inc. for Lazy P-6 Properties, LLC
REQUEST	No. 03SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	NW1/4 NW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 of Block 1, Lazy P-6 Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10 acres
LOCATION	In the southeast quadrant of the current Parkview Drive terminus
EXISTING ZONING	Low Density Residential II District
SURROUNDING ZONING	
North:	General Agriculture District
South:	County
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	06/13/2003
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 the section line highway as per Chapter 16.16 of the Rapid City Municipal Code be denied.

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve a section line highway located along the north lot line of the subject property. In addition, the applicant has submitted a Layout Plat to create a ten acre parcel as a multi-family development site. The applicant has also submitted a SDCL 11-6-19 Review to allow the construction of a portion of two streets, Parkview Drive and Fifth Street, in a section line highway located along the west lot line. (See companion items #03SR035 and 03PI072.)

On March 3, 2003, the City Council approved a Layout Plat to create 23 commercial lots on property located south of the subject property also owned by the applicant. In addition, the City approved a Master Plan on an additional forty acres located directly north of the Layout Plat that included the subject property.

On December 2, 2002 the City Council denied without prejudice Layout Plat #02PL052 to subdivide the subject property into twenty commercial lots. The subject property is located in the northeast corner of the intersection of Catron Boulevard and the proposed right-of-way location for the future extension of Fifth Street. The property is currently void of any structural development.

STAFF REVIEW:

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

Section Line Highway Improvements: As previously indicated, the applicant has requested a Variance to the Subdivision Regulations to waive the requirement to improve the section line highway located along the north lot line. In the past, the City Council has indicated that if the section line highway is not being constructed as a part of a platting procedure then the section line highway must be vacated. On February 7, 2000 the City Council approved Layout Plat #99PL115 for Stoneridge Subdivision, a 32 lot residential development. The Layout Plat identifies a collector road to be constructed in a portion of the section line highway located along the north lot line. In addition, the Major Street Plan identifies the future location of a collector road within a portion of the section line highway. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve the section line highway be denied. Staff is also recommending that the applicant vacate that portion of the section line that is not identified as the future location of a collector road.

Platting One Half of the Section Line Highway: The north half of the section line highway is located on an adjacent property under different ownership from the subject property. The Subdivision Regulations states that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted". As such, the adjacent property owner must participate in the platting of

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the north half of the section line right-of-way or a Variance to the Subdivision Regulations must be obtained to allow platting half a right-of-way. Staff can support the Variance to the Subdivision Regulations to allow platting half a right-of-way since the 33 feet of section line highway located along the adjacent property will be sufficient on an interim bases until such time as the adjacent property owner plats that property and dedicates the right-of-way. In addition, five feet of right-of-way will be dedicated from the subject property as a part of this plat action in order to meet the minimum width requirements for a collector street. As such, sufficient right-of-way will exist to construct the road allowing staff to support the Variance to the Subdivision Regulations request to plat half a right-of-way. (Please note that an additional five feet of right-of-way will be dedicated from the adjacent property upon any future platting of that property.) In addition, the adjacent property owner must participate in vacating any portion of the section line highway in order to prevent creating a half right-of-way along the north lot line.

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 July 10, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.