

STAFF REPORT

August 21, 2003

No. 03SV028 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, watermain and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 24

GENERAL INFORMATION:

PETITIONER	Dream Design International for Doyle Estes (DTH LLC)
REQUEST	No. 03SV028 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, watermain and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	S1/2 GL3 less Big Sky Subdivision; S1/2 GL4 less Lot H1 and Less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and Less Right-of-Way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 3-7, Block 13; and dedicated streets, Big Sky Subdivision, located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.309 acres
LOCATION	Buddy Court off of Degeest Drive
EXISTING ZONING	Medium Density Residential District/Planned Development Designation
SURROUNDING ZONING	
North:	Medium Density Residential District/Planned Development Designation
South:	Medium Density Residential District/Planned Development Designation
East:	Medium Density Residential District/Planned Development Designation
West:	Office Commercial District/Planned Commercial Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	08/24/2003

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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, sewer, water main and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code 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 a future assessment for these improvements; and,
2. Prior to City Council approval, the construction plans shall be revised to show a paved turnaround at the western terminus of Homestead Street.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve the west 125 feet of Homestead Street as it abuts the subject property. On August 4, 2003, the City Council approved Preliminary and Final Plat #03PL060 to subdivide the subject property into five residential lots.

The property is located along Buddy Court extending west from Degeest Street and is currently void of any structural development.

STAFF REVIEW:

During the review of the associated Preliminary and Final Plat, it was noted that the construction plans for Homestead Street show the street improvements terminating approximately 125 feet from the west lot line of the subject property. As such, a stipulation of approval of the previously approved Preliminary and Final Plat required that Homestead Street be constructed to the west lot line or a Variance to the Subdivision Regulations be obtained. The applicant submitted surety for the improvement in order for the Preliminary and Final Plat to be approved in a timely manner and has subsequently submitted this Variance to the Subdivision Regulations to waive the requirement to improve the west 125 feet Homestead Street.

The construction plans also show a temporary gravel turnaround at the end of Homestead Street. The property located directly west of this site is under different ownership than the subject property. It may be an extended period of time before Homestead Street is constructed through the site. As such, staff supports waiving the requirement to improve the western 125 feet of Homestead Street to allow this portion of the right-of-way to serve as the location of a temporary turnaround. However, since the turnaround may be necessary for several year(s), staff is recommending that it be paved instead of graveled. In addition, staff is recommending that the applicant sign a waiver of right to protest a future assessment for these improvements.

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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 August 21, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.