

STAFF REPORT

December 4, 2003

No. 03SV046 - Variance to the Subdivision Regulations to waive the requirement to construct sidewalks along both sides of the street and to reduce the right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 28

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Hart Ranch Development Company
REQUEST	No. 03SV046 - Variance to the Subdivision Regulations to waive the requirement to construct sidewalks along both sides of the street and to reduce the right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 21, Lot 22 and Lot 23R of Village on the Green No. 2 Subdivision, located in SE1/4 of the SW1/4 and SW1/4 of the SE1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 21R and 22R of Village on the Green No. 2 Subdivision, located in SE1/4 of the SW1/4 and SW1/4 of the SE1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.936 acres
LOCATION	Along Hacker Loop
EXISTING ZONING	Planned Unit Development (County)
SURROUNDING ZONING	
North:	Planned Unit Development (County)
South:	Planned Unit Development (County)
East:	Planned Unit Development (County)
West:	Planned Unit Development (County)
PUBLIC UTILITIES	Community water and wastewater
DATE OF APPLICATION	11/06/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to construct sidewalks along both sides of the street and to reduce the right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code be approved.

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide additional right-of-way width along Hacker Loop and to allow sidewalks on one side of the street. In addition, the applicant has submitted a Preliminary and Final Plat to combine the subject property from three lots into two lots. (See companion item #03PL111.)

On October 16, 2000 the City Council approved a Preliminary and Final Plat to subdivide the subject property into three lots. In addition, a Variance to the Subdivision Regulations was approved to waive the requirement to provide additional right-of-way along Hacker Loop and to allow a sidewalk on the south side of Hacker Loop.

STAFF REVIEW:

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

Hacker Loop: Hacker Loop is classified as a lane place street requiring a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Hacker Loop has been constructed with a 40 foot wide right-of-way. In addition, surety has been posted to provide a sidewalk on the south side of Hacker Loop only. As previously indicated, a Variance to the Subdivision Regulations was approved to waive the requirement to provide additional right-of-way along Hacker Loop with the condition that a five foot wide access easement be identified along Hacker Loop and that a note be placed on the plat stating that "on-street parking is prohibited". The plat document identifies the access easement and the note as previously stipulated. In addition, the associated Preliminary and Final Plat proposed to combine three lots into two lots resulting in a decrease in density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide additional right-of-way and to allow a sidewalk one side of the street be approved in order to maintain road design consistency within the development.

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 December 4, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.