

STAFF REPORT

May 8, 2003

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**No. 03SV013 - Variance to the Subdivision Regulations to waive the ITEM 31 requirement to install curb, gutter, sidewalk, street light conduit, dry sewer, and additional right-of-way width on Corral Drive as per Chapter 16.16 of the Subdivision Regulations**

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GENERAL INFORMATION:

PETITIONER	Renner & Sperlich Engineering Company for Dean Kelly
REQUEST	<b>No. 03SV013 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry sewer, paving and additional right-of-way width on Corral Drive as per Chapter 16.16 of the Subdivision Regulations</b>
EXISTING LEGAL DESCRIPTION	Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.149 acres
LOCATION	3960 Corral Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District w/Planned Residential Development
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District w/Planned Residential Development
PUBLIC UTILITIES	City Water in ROW; On-site wastewater disposal
DATE OF APPLICATION	03/27/2003
REPORT BY	Tom Kurtenbach

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate an additional 17 feet of right of way along Corral Drive be denied. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street lights and dry sewer as per Chapter 16.16 of the Subdivision Regulations be approved with the following stipulation:

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#### 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.

**GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This item was continued from the April 24, 2003 Planning Commission meeting.** The applicant is requesting a Subdivision Regulations Variance request to waive the construction of curb, gutter, sidewalk, street lights and dry sewer along Corral Drive. In addition, the applicant is requesting a Variance to the Subdivision Regulations to waive the requirement to dedicate an additional 17 feet of right of way along Corral Drive. This is a companion item to Layout, Preliminary and Final Plat #03PL035 to create two lots.

The Subdivision Regulations require that when platting property, public infrastructure be evaluated and improved as deemed necessary to meet City Minimum Standards. Currently, Corral Drive along the frontage of the subject property has paved streets with intermittent curb and gutter. Sidewalks, street lights and a central sewer system main do not exist in the Corral Drive right of way.

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

Sidewalks, curb, gutter, dry sewer and street lights: Approximately 500 feet of curved Corral Drive right of way abuts the subject property. As referenced above, sidewalks, street lights and a sewer main do not exist in the Corral Drive right of way. Segments of curb and gutter do exist at strategic locations to assist in preventing undesirable effects resulting from storm water drainage. Based on the terrain in the vicinity of the subject property, the construction of sidewalks would be difficult. The Corral Drive paving width is approximately 26 feet in wide, and allows for two 12 foot lanes. City water is located in the Corral Drive right-of-way; however, sanitary sewer service is located approximately 800 feet east of the property along Corral Drive. Installing the required subdivision improvements in the Corral Drive right of way at this time would create a discontinuous segment of curb, gutter, sidewalk, street light conduit and dry sewer main.

Residential density in the area of the subject property is relatively low, with open spaces provided throughout the neighborhood. Considering the steep terrain in the vicinity of the subject property, the relative abundance of open space, and that Corral Drive will likely be improved in the future, Staff recommends that the Subdivision Regulations Variance request to waive the construction of curb, gutter, sidewalk, street lights and dry sewer along Corral Drive be approved. Additionally, Staff recommends that prior to Final Plat approval by the City Council, the applicant shall submit a signed waiver of right to protest an assessment for the required subdivision improvements.

Corral Drive Right of Way: Corral Drive located south of the subject property is identified as a minor arterial street in the Major Street Plan. The existing right of way width for Corral

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Drive is 66 feet. The minimum required right of way width for a minor arterial street is 100 feet. Corral Drive is a key east-west arterial street serving residents in and visitors to southwest Rapid City. Based on existing sight triangle limitations and the eventual need to build sidewalks, a sanitary sewer main, street lights, curb and gutter and additional paving width, Staff cannot support a Variance to the Subdivision Regulations to waive the requirement to dedicate the required 17 feet of right of way along Corral Drive.

Legal Notification Requirement: **As of this writing, the white mailing receipts and green cards from the required certified mailing have not been returned by the petitioner. Staff will notify the Planning Commission at the May 8, 2003 meeting if the required mailings are not completed. Staff has received two inquiries regarding this proposal. The callers were property owners located to the north of the subject property, and were primarily concerned about onsite wastewater disposal and drainage issues.**

Based on the aforementioned information, Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate an additional 17 feet of right of way along Corral Drive be denied. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street lights and dry sewer along Corral Drive be approved with the stipulation stated above.