

STAFF REPORT

January 8, 2004

No. 03SV048 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement and to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	D.C. Scott Co. for Jerry Burrow
REQUEST	No. 03SV048 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement and to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 16 of Twilight Hill Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .5 acre
LOCATION	5252 Ross Court
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	12/15/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement and as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

Engineering Division Recommendation:

1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit and to

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improve pavement along Reservoir Road and for the installation of curb, gutter, sidewalk and street light conduit along Ross Court; and,

Pennington County Highway Department Recommendation:

2. Prior to City Council approval, the applicant shall enter into a cost sharing agreement for improvements along Reservoir Road.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and improve the pavement width along Reservoir Road as well as to waive the requirement to construct curb, gutter, sidewalk and street light conduit along Reservoir Road and Ross Court. The applicant has submitted a Layout Plat to subdivide the subject property into two residential lots. (See companion item #03PL119.)

On October 1, 2001 the City Council approved a Layout Plat to subdivide the subject property into two lots as identified on this plat. The property is located in the northwest corner of the Ross Court/Reservoir Road intersection. Currently, a single family residence is located on both of the proposed lots.

STAFF REVIEW:

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

Reservoir Road: Reservoir Road is located along the east lot line of the subject property and is classified as a principal arterial street requiring a minimum right-of-way width of 100 feet with a minimum pavement width of 36 feet as well as curb, gutter sidewalk, street light conduit, water and sewer improvements. Reservoir Road is currently constructed within a 66 foot wide right-of-way width with a 24 foot wide paved surface. Water and sewer are also located in the adjacent right-of-way. As previously indicated the applicant is requesting to waive the requirement to dedicate the additional 17 feet of right-of-way along Reservoir Road as well as to provide additional pavement and curb, gutter, sidewalk and street light conduit. The Pennington County Highway Department and the Engineering Division have indicated that additional right-of-way along Reservoir Road has been required from all other properties upon platting. In particular, the additional right-of-way is needed to insure that Reservoir Road will be able to function as a principal arterial street as this area continues to develop. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied.

The Pennington County Highway Department has indicated that the County has approved construction plans to improve that portion of Reservoir Road located south of Twilight Drive. The Pennington County Highway Department has also indicated that the County may extend the Reservoir Road improvement project north from Twilight Drive and that in time,

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that portion of Reservoir Road that abuts the subject property may be included. However, to date, the construction plans identifying the actual improvements have not been constructed. Requiring the improvements at this time would result in a discontinuous road design. In addition, the Pennington County Highway Department has indicated that the actual elevation(s) of the curb, gutter and sidewalks may be substantially changed once the County completes construction plans for this area. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter sidewalk, street light conduit and pavement along Reservoir Road be approved with the stipulation that the applicant sign a Waiver of Right to Protest a future assessment for the improvements prior to City Council approval. In addition, the Pennington County Highway Department has indicated that the applicant must enter into a cost sharing agreement for that portion of the Reservoir Road improvements abutting the subject property that may be completed as part of a County project.

Ross Court: Ross Court is located along the south lot line of the subject property and is classified as a lane place street. A lane place street must be constructed with a minimum 49 foot wide right-of-way and a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Ross Court is constructed with a 52 foot wide right-of-way and a 24 foot wide paved surface, water and sewer. As previously indicated, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk and street light conduit along Ross Court. Requiring the improvements would create a discontinuous street design since the balance of Ross Court has not been constructed with curb, gutter, sidewalk and street light conduit. The existing ditches are currently accommodating drainage flows from the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations as requested be approved with the stipulation that the applicant sign a Waiver of Right to Protest a future assessment for the improvements prior to City Council approval.

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 January 8, 2004 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.

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