

STAFF REPORT

February 19, 2004

No. 04SV001 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, street light conduit and pavement along the eastern 115 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04SV001 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, street light conduit and pavement along the eastern 115 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 44.238 acres
LOCATION	Along Homestead Street
EXISTING ZONING	Medium Density Residential District w/Planned Development Designation/Low Density Residential District
SURROUNDING ZONING	
North:	Public District
South:	Medium Density Residential District w/Planned Development Designation/Low Density Residential District
East:	Low Density Residential District
West:	Medium Density Residential District w/Planned Development Designation/Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	01/23/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement

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to install curb, gutter, sidewalk, sewer, water, street light conduit and pavement along the eastern 115 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct approximately 115 feet of Homestead Street. On November 20, 2003, the Planning Commission recommended approval of a Preliminary and Final Plat to create 19 single family residential lots, 24 townhome lots, two multi-family residential lots and a 24.387 acre tract for the Valley View Elementary School. In addition, the construction plans submitted with the Preliminary and Final Plat identified the construction of a portion of Homestead Street including that portion being considered as a part of this Subdivision Regulations Variance request. The City Council will consider the Preliminary and Final Plat at the March 1, 2004 City Council meeting.

On December 15, 2003, the City Council denied a Variance to the Subdivision Regulations request to waive the requirement to construct this portion of Homestead Drive.

The property is located at the northern terminus of Aurora Drive and Carl Avenue. Currently, Valley View Elementary School is being constructed on the northern portion of the subject property.

STAFF REVIEW:

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

Homestead Street: The applicant is proposing to dedicate right-of-way for the eastern 115 feet of Homestead Street and to sign a waiver of right to protest any future assessment for the improvement in consideration of granting a Subdivision Regulations Variance for the improvements at this time. The previously submitted construction plans demonstrate that there are no physical obstacles preventing the street from being constructed at this time. In the past, the City Council has required that streets be improved as a part of the platting process to insure that street connectivity exists as additional development within the area occurs. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to construct a portion of Homestead Street be denied.

Notification Requirement: As of this writing, the receipts for the certified mailing requirement have not been returned. Staff will notify the Planning Commission at the February 19, 2004 Planning Commission meeting if this requirement has not been met. Staff has received one letter from an area property owner opposing the request. Staff has not received any calls or inquires regarding this proposal.