

STAFF REPORT

March 25, 2004

No. 04SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 14

GENERAL INFORMATION:

PETITIONER	Gregory and Bonnie Josten
REQUEST	No. 04SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 34 and 35 of Pinewood Estates, E1/2, NE1/4, Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.376 acres
LOCATION	3343 and 3341 Pinewood Drive
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	Community water/Private wastewater
DATE OF APPLICATION	02/26/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement be approved with the following stipulation:

1. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,
2. Prior to Preliminary Plat approval, the plat document shall be revised to show the dedication of an additional 17 feet of right-of-way along Dunsmore Road as it abuts the subject property.

STAFF REPORT

March 25, 2004

No. 04SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 14

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer and pavement along Dunsmore Road and Pinewood Drive as they abut the subject property. In addition, the applicant has submitted a Layout Plat to reconfigure the two residential lots. (See companion item #04PL012.)

The subject property is located in the northwest corner of the Pinewood Drive/Dunsmore Road intersection. Currently, a single family residence is located on each lot. In addition, a shed is located on the common lot line of the two properties. As such, the applicant is proposing to relocate the common lot line approximately 37 feet south of its current location.

STAFF REVIEW:

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

Dunsmore Road: Dunsmore Road is located along the south lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plat requiring that it be located in a minimum 100 foot wide right-of-way with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Dunsmore Road is located in a 66 foot wide right-of-way with a 27 foot wide paved surface. Requiring the improvement of Dunsmore Road as it abuts the subject property will result in a discontinuous street section. In addition, the Planning Commission and the City Council have granted similar Variance requests when the proposed plat does not increase the density of development. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Dunsmore Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. In addition, the plat document must be revised dedicating an additional 17 feet of right-of-way.

Pinewood Drive: Pinewood Drive is located along the east lot line of the subject property and is classified as a lane place street requiring that the street be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Pinewood Drive is located in a 66 foot wide right-of-way with an approximate 24 foot wide graveled surface and a community Colonial Pines Water District line. Requiring the improvement of Pinewood Drive as it abuts the subject property will result in a discontinuous street section. As noted above, the Planning Commission and the City Council have granted similar Variance requests when the proposed plat does not increase the existing density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Dunsmore road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

STAFF REPORT

March 25, 2004

No. 04SV008 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 14

The subject property is identified on the City's Annexation Priorities and Progress Map as an area that will be annexed as a long term priority annexation project. Requiring the applicant to sign a waiver of right to protest any future assessment for the improvements form will prevent any opposition to the improvement if completed as an assessment project once the property is annexed into the City limits.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 25, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.