

STAFF REPORT
April 22, 2004

No. 04SV021 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 19

GENERAL INFORMATION:

PETITIONER	Daniel and Lori Smith
REQUEST	No. 04SV021 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 2, Block 10 and Lot 2 of Block 13, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.16 acres
LOCATION	1802 Valentine Street
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Park Forest District
East:	Park Forest District
West:	Park Forest District/General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	03/26/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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

1. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the dedication of five additional feet of right-of-way along Skyline Drive; and,
2. 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.

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement improvements along an access easement and Skyline Drive as they abut the subject property. In addition, the applicant has submitted a Layout Plat to reconfigure the subject property into two lots. (See companion #04PL042.)

The property is located between Skyline Drive and Valentine Street at the northern terminus of Valentine Street. Currently, a single family residence is located on one of the proposed lots and the second lot is void of any structural development.

STAFF REVIEW:

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

Skyline Drive: Skyline Drive is located along the east lot line and is classified as a collector street on the City's Major Street Plan requiring that the street be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Skyline Drive is located in a 66 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface. Requiring the improvement of Skyline Drive 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 existing density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Skyline Drive be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement. In addition, the plat document must be revised dedicating an additional five feet of right-of-way.

Access Easement: Currently, an access easement extending north from Valentine Street serves as legal access to the subject property. The access easement is classified as a lane place street requiring that it 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, sewer and water. Currently, the street is located in a 40 foot wide easement and constructed with an approximate 20 foot wide graveled road. Requiring the improvement of the access easement 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 be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 22, 2004 Planning

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Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.