

STAFF REPORT
May 27, 2004

No. 04SV027 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer and pavement improvements as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 28

GENERAL INFORMATION:

PETITIONER	Gerald Davis for Mark and Jodi Davis
REQUEST	No. 04SV027 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer and pavement improvements as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot A and Lot B of Lot 1, Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.28 acres
LOCATION	4740 Skyview Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Public District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and private on-site wastewater
DATE OF APPLICATION	04/01/428
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Skyview Drive be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement improvements along Skyview Drive and to waive the requirement to install street light conduit and sidewalk along Corral Drive as per Chapter 16.16 of the Rapid City Municipal

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Code be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;
2. Upon submittal of a Preliminary Plat, construction plans shall be submitted showing the construction of a sewer main and a sidewalk along one side of Skyview Drive; and,
3. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the dedication of an additional 17 feet of right-of-way along Corral Drive as it abuts the subject property.

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 improvements along Skyview Drive and to waive the requirement to construct street light conduit, pavement improvements and sidewalks on both sides of Corral Drive as they abut the subject property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into two residential lots and a drainage lot. (See companion item #04PL061.)

The subject property is located in the southeast corner of the Corral Drive/Skyview Drive intersection on the south side of Corral Drive. Currently, a single family residence is located on the property.

On October 7, 1996, the City Council approved a Layout Plat to subdivide the subject property into two lots with the stipulations that a sewer main and a sidewalk be installed along Skyview Drive.

STAFF REVIEW:

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

Corral Drive: Corral Drive is located along the north lot line of the subject property and is classified as a minor 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, Corral Drive is located in a 66 foot wide right-of-way with a 36 foot wide paved surface, curb, gutter, water, sewer and a sidewalk on one side of the street. Requiring the improvement of Corral Drive as it abuts the subject property will result in a discontinuous street section. In addition, the existing sidewalk allows for pedestrian access to the school located north of the property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Corral 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 17 feet of right-of-way.

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Skyview Drive: Skyview Drive is located along the west lot line of the subject property and is classified as a sub-collector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Skyview Drive is located in a 66 foot wide right-of-way with a varying pavement width from 36 feet to 24 feet and a City water main.

Chapter 16.16.050 of the Rapid City Subdivision Regulations requires that any subdivision located within five hundred feet of the Rapid City sewer system hook up to that system. The subject property is located adjacent to the City sewer main located in Corral Drive. In addition, the applicant has indicated that the existing on-site wastewater system serving the residence located in the southern portion of the property has failed. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install a sewer main along Skyview Drive as it abuts the subject property be denied.

As noted above, sidewalks do not currently exist along Skyview Drive. However, constructing a sidewalk along one side of the street will provide safe pedestrian access to the school located north of the property and be consistent with the design standard of the intersecting street, Corral Drive. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks on both sides of the street be approved with the stipulation that a sidewalk be provided along one side of the street.

As noted above, Skyview Drive is located in a 66 foot wide right-of-way with a varying pavement width from 36 feet to 24 feet and a City water main. Requiring the improvement of Skyview Drive with curb, gutter, street light conduit, and pavement improvements as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Skyview Drive as identified be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 27, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.

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