

STAFF REPORT  
July 22, 2004

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**No. 04SV035 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement and additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 30**

GENERAL INFORMATION:

PETITIONER	Donald Potts
REQUEST	<b>No. 04SV035 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement and additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 13.34 acres
LOCATION	6105 Covenant Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District/Public District
West:	General Agriculture District
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	05/26/2004
REVIEWED BY	Renee Catron-Blair / Sig Zvejnieks

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway be denied and that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Covenant Drive be approved and to install curb, gutter, sidewalk, street light conduit, and sewer along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

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1. Prior to City Council, Covenant Drive shall provide a minimum 49 foot right-of-way and a minimum cul-de-sac turnaround bulb shall be located in a minimum 96 foot wide diameter right-of-way;
2. Prior to City Council, Covenant Drive shall be constructed with a minimum 20 foot wide graveled surface; and,
3. Prior to City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements along Catron Boulevard and Covenant Drive.

GENERAL COMMENTS:

**(Update July 13, 2004 all revised and/or added text is shown in bold print.) This item was continued at the June 24, 2004 Planning Commission meeting at the applicant's request.** The applicant has submitted a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer, pavement and water improvements along Covenant Drive, the section line highway and Catron Boulevard as they abut the subject property. In addition the applicant has submitted a Layout Plat to subdivide approximately 13 acres into two parcels. (See companion item #04PL072)

The subject property is located approximately .5 miles northwest of the intersection of S.D. Highway 16 and Catron Boulevard, on the west side of Catron Boulevard. Currently Covenant Drive terminates at the property line.

STAFF REVIEW:

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

Covenant Drive: Covenant Drive 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. In addition, the proposed cul-de-sac turnaround bulb shall be located in a minimum 96 foot wide diameter right-of-way with a minimum 76 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained. Currently, Covenant Drive is a 50 foot wide right of way, with a 20 foot wide gravel surface. Requiring the improvement of Covenant Drive at its terminus will result in a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations to waive improvements along the extension of Covenant Drive be approved with the stipulations that the 49 foot wide right-of-way be dedicated and that the street be constructed with a minimum 20 foot wide graveled surface. In addition, the applicant must sign a waiver of right to protest any future assessment for the required improvements.

Section Line Highway: An unimproved section line highway is located along the south lot line of the subject property. The section line highway must be constructed to City Street Design Standards with a minimum 45 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained

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**due to topographical restraints.** The applicant also has the option of vacating the section line highway; however, the south half of the section line highway is located on an adjacent property under different ownership than the subject property. As such, the adjacent property owner must sign the petition requesting the vacation of the section line highway or a Variance to the Subdivision Regulations to allow platting half a right-of-way must be obtained. As such, staff is recommending that the Variance to the Subdivision Regulations be denied and **the vacation of the section line highway be requested.**

Catron Boulevard: Catron Boulevard is located along the east lot line and is identified as a principal arterial street requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Catron Boulevard is located in a varied right-of-way width from 300 feet to 550 feet and constructed with a 36 foot wide paved surface and water. Requiring the improvements of curb, gutter, sidewalk, street light conduit, and sewer along Catron Boulevard as it abuts the subject property will result in a discontinuous street design. As such, staff recommends that the Variance to the Subdivision Regulations to waive improvements along Catron Boulevard 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** been returned. Staff has received one telephone call, inquiring about this proposal.