

STAFF REPORT
October 21, 2004

No. 04SV055 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 34

GENERAL INFORMATION:

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| PETITIONER | Russell and Dalaina Salamun |
| REQUEST | No. 04SV055 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit and pavement as per Chapter 16.16 of the Rapid City Municipal Code |
| EXISTING LEGAL DESCRIPTION | The north 68.5 feet of Lot H, less the east 33 feet, Block 1 of Lot 3; and the south 44 feet of Lot H of Lot 3; Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lot 1R of Block 1 and Lot 2R of Block 1, Schamber Subdivision, NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 0.92 acres |
| LOCATION | 2016 and 2020 Elmhurst Drive |
| EXISTING ZONING | Medium Density Residential District |
| SURROUNDING ZONING | |
| North: | Medium Density Residential District |
| South: | Medium Density Residential District |
| East: | Medium Density Residential District |
| West: | Medium Density Residential District |
| PUBLIC UTILITIES | City water and sewer |
| DATE OF APPLICATION | 09/20/2004 |
| REVIEWED BY | Renee Catron-Blair / Curt Huus |

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit and pavement along 38th Street be denied and that the Variance to the Subdivision Regulations to waive the requirements to install sidewalk and

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pavement along Elmhurst Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Upon submittal of a Final Plat application, the plat document shall be revised to show the dedication of seven additional feet of right-of-way along 38th Street to be dedicated;
2. Upon submittal of a Final Plat application, the plat document shall be revised to show the dedication of 14.5 additional feet of right-of-way along Elmhurst Drive; and,
3. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the improvements along Elmhurst Drive.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit and pavement along 38th Street and to waive the requirement to construct sidewalk and to provide additional pavement along Elmhurst Drive as they abut the subject property. The applicant also has submitted a Layout Plat to subdivide .92 acres into three lots. (See companion item #04PL137.)

The subject property is located between 38th Street and Elmhurst Drive in the Canyon Lake Area. Currently, there is a single family residence located on one lot. The residence was constructed in 1934. A separate garage is also located on that lot and was constructed in 1950. A single family residence is located on a second lot and was constructed in 1936. The proposed third lot is void of any structures currently.

STAFF REVIEW:

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

Elmhurst Drive: Elmhurst Drive is classified as a sub-collector street requiring that the street be located in a minimum 47 foot wide right-of-way and constructed with a minimum 22 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Elmhurst Drive is located in an 18 foot wide right-of-way and constructed with an approximate 18 foot wide paved surface, curb, gutter sidewalk street light conduit, sewer and water. As such, an additional 14.5 feet of right-of way must be dedicated for Elmhurst Drive as it abuts the subject property. The additional right-of-way will be acquired from the adjacent property in the future. However, requiring the improvements along Elmhurst Drive as it abuts the subject property will result in a discontinuous street design. The Planning Commission and the City Council have granted similar Variance requests when the requirement to improve the street would result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to construct sidewalk and to provide additional pavement width be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements and that the additional right-of-way be dedicated.

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ITEM 34

38th Street: 38th Street is classified as a sub-collector street requiring that the street be located in a minimum 47 foot wide right-of-way and constructed with a minimum 22 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, 38th Street is located in a 33 foot wide right-of-way and other than a water main has no additional street improvements. The proposed Layout Plat increases the density from two lots to three lots which results in additional traffic. As such, staff is recommending that 38th Street be constructed as identified. In addition, staff is recommending that the plat document be revised to provide the dedication of an additional seven feet of right-of-way for 38th Street as it abuts the subject property. This will provide half of the additional right-of-way that is needed for a sub-collector street. When additional platting occurs along the east side of 38th Street, additional right-of-way may be obtained from the property.

LEGAL NOTIFICATION REQUIREMENT:

The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 21, 2004 Planning Commission meeting if this requirement is not met. Staff has received no inquiries about this proposal.