

STAFF REPORT
October 21, 2004

No. 04SV059 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 22

GENERAL INFORMATION:

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| PETITIONER | Sperlich Consulting, Inc. for Dalwyn Vandenhoeck |
| REQUEST | No. 04SV059 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code |
| EXISTING LEGAL DESCRIPTION | Lot 1 of Block 18, Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots 1A and 1B of Block 18, Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 0.522 acres |
| LOCATION | At the intersection of Reservoir Road and Williams Street |
| EXISTING ZONING | Planned Unit Development (County) |
| SURROUNDING ZONING | |
| North: | Planned Unit Development (County) |
| South: | Planned Unit Development (County) |
| East: | Planned Unit Development (County) |
| West: | Planned Unit Development (County) |
| PUBLIC UTILITIES | Rapid Valley Sanitary District |
| DATE OF APPLICATION | 09/24/2004 |
| REVIEWED BY | Renee Catron-Blair / David L. Johnson |

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter and sidewalk along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk and street light conduit along Reservoir Road.

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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 and to improve pavement along Reservoir Road as it abuts the subject property. On April 19, 2004 the City Council approved a Layout, Preliminary and Final Plat (#03PL042) to subdivide the subject property into 24 residential lots and one drainage lot as a part of the Trailwood Village Planned Unit Development. The applicant has also submitted a Preliminary Plat to subdivide approximately 0.5 acres into two townhome lots. (See companion item #04PL143.)

The subject property is located northwest of the intersection of Williams Street and Reservoir Road. Currently, there are two foundation structures located on the property.

STAFF REVIEW:

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

Reservoir Road: Reservoir Road is located along the east lot line and is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way. In addition, it is the responsibility of the developer to construct an arterial street to a collector street standards with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Reservoir Road is located in a 66 foot wide right-of-way and constructed with a 24 foot wide paved surface, water and sewer with the previous plat document identifying the dedication of an additional 17 foot wide right-of-way for Reservoir Road as it abuts the subject property. Requiring the improvement of Reservoir Road as it abuts the subject property will result in a discontinuous street section. 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 improvements along Reservoir Road 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 as of this writing. Staff will notify the Planning Commission at the October 21, 2004 Planning Commission meeting if this requirement is not met.