

STAFF REPORT
November 24, 2004

No. 04SV069 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks along Skyline Drive as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Pat Hall
REQUEST	No. 04SV069 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks along Skyline Drive as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 2, 3, 4, and 5 of Block 1, Skyline Pines Subdivision, located in the E1/2 of the SE1/4 of Section 10, and the W1/2 of the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2R, 3R, 4R, and 5R, Block 1, Skyline Pines Subdivision, located in the E1/2 of the SE1/4 of Section 10, and the W1/2 of the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 21.4 Acres
LOCATION	South of Pevans Parkway along Skyline Drive
EXISTING ZONING	Park Forrest District
SURROUNDING ZONING	
North:	Park Forrest District
South:	Park Forrest District
East:	Park Forrest District
West:	Low Density Residential
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/29/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks along Skyline Drive 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

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protest any future assessments for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter and sidewalk along Skyline Drive as it abuts the subject property. In addition, the applicant has submitted a Preliminary Plat for the subject property to reconfigure four residential lots. (See companion item #04PL161.)

In 2000, the City Council approved a Final Plat subdividing the subject property into four lots. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter and sidewalk along this section of Skyline Drive as it would create a discontinuous street design. However, the associated Preliminary Plat to reconfigure the four residential lots requires that Skyline Drive be improved as identified as a part of this plat review and approval or a Variance to the Subdivision Regulations must be obtained.

The property is located approximately 1560 feet south of the Pevans Parkway/Skyline Drive intersection on the west side of Skyline Drive and is part of the Skyline Pines Subdivision.

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 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Skyline Drive is located in an 80 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 improvements.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 24, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.