

STAFF REPORT
January 6, 2005

No. 04SV076 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks on both sides of Country Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 40

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Bill Freytag
REQUEST	No. 04SV076 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks on both sides of Country Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 12 and 13 of Madisons Subdivision located in the SW1/4 of Section 13, T2N, R7E, BHM and the unplatted balance of the NE1/4 of the NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Block 1; Lots 1-10 of Block 2; Lots 1-20 of Block 3; Lot 1 of Block 4, and Lots 1-11 of Block 5; all of Kateland Subdivision, and dedicated public right-of-ways shown as Nace Court, Earleen Court, Roberta Street, Kateland Street and Country Road located in the SW1/4 of Section 13 and the NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.1 acres
LOCATION	west of Haines Avenue and north of Mallridge Subdivision
EXISTING ZONING	Medium Density Residential District/Planned Development District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Pennington County Zoning
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/10/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks on both sides of Country Road as per Chapter 16.16 of the Rapid City Municipal Code be approved.

1. That a sidewalk be constructed along the north side of Country Road.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct sidewalks along both sides of Country Road as it abuts the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into 45 residential lots. The applicant has also submitted a Final Planned Residential Development request to allow a combination of single family residential and townhome development on 43 of the 45 lots. Two of the lots are located outside of the boundary of the Final Planned Residential Development request. (See companion items #04PD079 and 04PL198.)

On October 4, 2004, the City Council approved a Layout Plat to subdivide the subject property into 45 residential lots. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, water, sewer, street light conduit and to improve pavement along Haines Avenue as it abuts the subject property. On October 18, 2004, the City Council approved an Initial Planned Residential Development to allow a combination of single family residential and townhome development on 43 of the 45 residential lots.

The property is located in the northwest corner of the Haines Avenue and Country Road intersection and is currently void of any structural development.

STAFF REVIEW:

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

Sidewalks: During the review of the associated Initial Planned Residential Development and the Layout Plat, area property owners located south of the subject property voiced concern with the lot configurations and reduced setbacks abutting their properties. As such, the applicant relocated Country Road in the existing section line highway located between the properties to serve as a separation between the subdivisions. Relocating Country Road as identified results in the adjacent properties being bordered by two streets, Lion Drive along the south lot line and Country Road along the north lot line. The area property owners subsequently voiced concern with the requirement to construct sidewalks along the south side of Country Road as it would result in pedestrian walkways along both their north lot line and south lot line. In addition, the area property owners indicated that the northern portions of their properties serve as the backyard and that providing sidewalks along this area of the lot would be an intrusion into their privacy. In the past, the City Council has granted similar

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Variance requests when a sidewalk is being provided along one side of the street. As previously noted, a sidewalk will be constructed along the north side of Country Road and will serve as a safe pedestrian access along this portion of Country Road. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to construct a sidewalk along the south side of Country Road be approved with the stipulation that a sidewalk be constructed along the north side of the street.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 6, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.