

STAFF REPORT
February 10, 2005

No. 05SV003 - Variance to the Subdivision Regulations to waive the requirement to install paving, sidewalk, curb, gutter, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 28

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers, Inc. for Mark Abrams
REQUEST	No. 05SV003 - Variance to the Subdivision Regulations to waive the requirement to install paving, sidewalk, curb, gutter, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot A of Lot 16 of Block 2, High Meadows Ranchettes and Lot B of Tract 1 of Stromer Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot A Revised of Lot 16 of Block 2, High Meadows Ranchettes and Lot B Revised of Tract 1 of Stromer Subdivision, Section 35, T2N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.87 acres
LOCATION	8150 Schroeder Road
EXISTING ZONING	Low Density Residential District (County)
SURROUNDING ZONING	
North:	Low Density Residential District (County)
South:	Limited Agriculture District (County)
East:	Limited Agriculture District (County)
West:	Low Density Residential District (County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	01/10/2005
REVIEWED BY	Renee Catron-Blair / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install paving, sidewalk, curb, gutter, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk, street light conduit, water and sewer along Schroeder Road and installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement Highland Loop.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Schroeder Road and Highland Loop as they abut the subject property. The applicant has also submitted a Layout Plat to subdivide the subject property from two lots to a different two lot configuration creating no increase to density. (See companion item #05PL007.)

The property is located along Schroeder Road off Nemo Road and it is located within Pennington County requiring a minimum lot size three acres which it meets. Currently, a single family residence is located on proposed Lot A Revised.

STAFF REVIEW:

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

Schroeder Road: Schroeder Road is located along the east lot line of the subject property. Schroeder Road is classified as a minor arterial street requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 48 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Schroeder Road is located in an approximate 27 foot wide paved surface without curb, gutter, sidewalk, street light conduit, water and sewer. The plat document shall be revised to show an additional 17 foot of right-of-way dedicated along Schroeder Road.

Requiring the installation of curb, gutter, sidewalk, street light conduit, water and sewer on Schroeder 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 and when there is no increase in the number of lots. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the curb, gutter, sidewalk, street light conduit, water and sewer along Schroeder Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Highland Loop: Highland Loop is located along the south lot line of the subject property and 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. Currently, Highland Loop is located in an 18 foot wide graveled surface, presently there is no pavement, curb, gutter, sidewalk, street light conduit, water and sewer improvements. Requiring installation of pavement, curb,

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gutter, sidewalk, street light conduit, water and sewer on Highland Loop as it abuts the subject property will result in a discontinuous street section and when there is no increase in the number of lots. 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 installation of pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Highland Loop 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 February 10, 2005 Planning Commission meeting if this requirement is not met.