

STAFF REPORT

May 5, 2005

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**No. 05SV024 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and pavement and to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code and a Variance to the Subdivision Regulations to allow a lot length greater than twice the distance of the lot width as per Chapter 16.12.190 of the Rapid City Municipal Code**

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**ITEM 58**

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers for Russell and Dalaina Salamun
REQUEST	<b>No. 05SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement and to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code and a Variance to the Subdivision Regulations to allow a lot length greater than twice the distance of the lot width as per Chapter 16.12.190 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The north 68.5 feet of Lot H, less the East 33 feet, Block 1 of Lot 3, Schamber Subdivision, NE1/4 NW1/4 Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 and Lot 2 of Salamun Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .56 Acres
LOCATION	2016 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	3/23/2005
REVIEWED BY	Renee Catron-Blair / David L. Johnson

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations **to allow a lot length greater than twice the distance of the lot width as per Chapter 16.12.190 of the Rapid City Municipal Code be approved; That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Elmhurst Drive and 38<sup>th</sup> Street be denied; That the Variance to the Subdivision Regulations to waive the requirements to install sidewalk and pavement along Elmhurst Drive and the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and pavement along 38<sup>th</sup> Street 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 improvements along 38<sup>th</sup> Street and Elmhurst Drive. In addition, 38<sup>th</sup> Street shall be constructed as a gravel road with a minimum 20 foot wide, four inches deep gravel surfacing extended to the north lot line of the subject property.**

GENERAL COMMENTS:

**(Update April 22, 2005. All revised and/or added text is shown in bold print.)**

(Update April 13, 2005. All revised and/or added text is shown in bold print.) The City of Rapid City Growth Management Department has requested this item be continued to the May 5, 2005 Planning Commission meeting to allow them time to resend the legal notification as not all of the applicants Variance requests were listed.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, pavement, sewer and dedicate additional right-of-way along 38<sup>th</sup> Street and to waive the requirement to construct sidewalk and to provide additional pavement and dedicate additional right-of-way along Elmhurst Drive as they abut the subject property. The applicant has also requested a Variance to the Subdivision Regulations to allow a lot length greater than twice the distance of the lot width. The applicant previously submitted a Layout Plat and Variance to the Subdivision Regulations request in 2004 with a different lot configuration than the current request. The Planning Commission approved the previous request with stipulations on November 4, 2004 and City Council approved with stipulations on December 6, 2004. The applicant also has submitted a Layout Plat to subdivide .56 acres into two lots. (See companion item #05PL054.)

The subject property is located between 38<sup>th</sup> Street and Elmhurst Drive in the Canyon Lake Area. Currently, there is a single family residence which was constructed in 1934 located on

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proposed Lot 1. A separate garage is also located on that lot and was constructed in 1950. The proposed second 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, 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, 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.

**38<sup>th</sup> Street:** 38<sup>th</sup> 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, 38<sup>th</sup> Street is located in a 33 foot wide right-of-way and other than a water main has no additional street improvements as it abuts this property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer and pavement be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. The applicant must construct a gravel road as specified to extend from the existing gravel road section to the north lot line of the subject property. The new gravel road section must be constructed with a minimum 20 foot wide road and four inches of gravel surfacing. 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 38<sup>th</sup> 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 38<sup>th</sup> Street, additional right-of-way may be obtained from the property.

**Lot Configuration:** The Subdivision Regulations state that “for lots in residential districts having

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a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width". The proposed plat identifies that the two lots have a length greater than twice the distance of the width. Staff recommends that the Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide be approved.

**LEGAL NOTIFICATION REQUIREMENT:**

The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 5, 2005 Planning Commission meeting if this requirement is not met. Staff has received **several** inquiries about this proposal.