

STAFF REPORT  
May 5, 2005

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**No. 05SV025 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 48**

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Gordon Howie
REQUEST	<b>No. 05SV025 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 3 of Block 22 of Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 3A, 3B and 3C of Block 22 of Trailwood Village, Section 10, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.721 acres
LOCATION	southwest corner of the intersection of Williams Street and Reservoir Road
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Planned Unit Development (Pennington County)
South:	Planned Unit Development (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	4/8/2005
REVIEWED BY	Renee Catron-Blair / David L. Johnson

RECOMMENDATION:

Staff Recommends that the Planning Commission acknowledges at the applicants request that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement and to waive the requirement to provide a

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**ITEM 48**

ten foot wide planting screen easement be denied without prejudice.

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and planting screen along Reservoir Road as it abuts the subject property. The applicant has also submitted a Layout and Preliminary Plat to subdivide approximately .721 acres into three four-plex lots. (See companion item #05PL065.)

The subject property is located southwest of the intersection of Williams Street and Reservoir Road. Currently, there are three attached four-plex structures and associated parking 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.

**Access Easement:** The common access easement is classified as a lane/place street requiring that the street be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations. A Variance to the Subdivision Regulations to waive the requirements for installing pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the north lot lines will need to be submitted. As such, staff is continuing this Variance to the Subdivision Regulations so they may be considered together.

**Planting Screen Easement:** The Subdivision Regulations requires that a 10 foot wide planting screen easement be provided along all arterial streets within a residential development. The Preliminary Plat does not show the required planting screen easement. As such, staff is

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**ITEM 48**

recommending that prior to submittal of a Final Plat application, the plat document be revised to show a ten foot wide planting screen easement along Reservoir Road and not in conflict with utility easements. Staff is unaware of any physical reason that the easement cannot be provided. The easement will provide an area for landscaping to be provided to screen the residential development from the traffic and noise associated with the arterial roadway. For that reason, staff recommends that the subdivision variance to waive the requirement for a 10 foot wide planting screen easement to be provided be denied.

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 May 5, 2005 Planning Commission meeting if this requirement is not met.