

STAFF REPORT

June 23, 2005

No. 05SV039 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 23

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Stanford Adelstein
REQUEST	No. 05SV039 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 3, 4, 6 and the north 81 feet of Lot 5, Ridge Park Addition No. 3, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 3R and 5R, Ridge Park Addition No. 3, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.54 acres
LOCATION	Between Roosevelt Avenue and West Boulevard, north of Saint Anne Street and south of Saint Patrick Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/27/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along West Boulevard be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk

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along West Boulevard be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit, water and sewer along Roosevelt Avenue and to install street light conduit along West Boulevard as they abut the subject property be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the street improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit and additional pavement along West Boulevard and to install sidewalk, street light conduit, water and sewer along Roosevelt Avenue as they abut the subject property. In addition, the applicant has submitted a Preliminary Plat to reconfigure two parcels (See companion item #05PL101.)

On May 17, 2005, the Zoning Board of Adjustment denied a Variance request to reduce the side yard setback from eight feet to zero feet in order for the applicant to construct an addition onto an existing residence located on the subject property. As such, the applicant is proposing to relocate the side lot line between the two parcels to provide a minimum eight foot side yard setback for the addition.

The property is located west of Roosevelt Avenue and east of West Boulevard. A single family residence is currently located on each of the lots.

STAFF REVIEW:

Staff has reviewed the Preliminary Plat and has noted the following considerations:

West Boulevard: West Boulevard is located along the west lot line of the subject property and is classified as a collector street requiring that it be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, West Boulevard is located in a 100 foot wide right-of-way and constructed with two 20 foot wide paved divided lanes, curb, gutter, water and sewer. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to provide additional pavement; however, West Boulevard currently provides the minimum pavement width required. As such, staff is recommending that this portion of the Variance to the Subdivision Regulations request be tabled.

The applicant has also requested a Variance to the Subdivision Regulations to waive the requirement to install sidewalk along West Boulevard. To date, a sidewalk has been constructed along the east side of West Boulevard. In addition, a sidewalk has been constructed on a portion of the west side of West Boulevard terminating one lot north of the subject property. However, it continues again directly south of the subject property.

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Constructing a sidewalk along the subject property would minimize the gap between sidewalk(s) located along the west side of West Boulevard. In addition, staff has noted that extensive discussions have been held over the years regarding the provision of sidewalks along residential streets. Sidewalks provide a safe and convenient location of pedestrians to walk separated from vehicular traffic. Studies have suggested that sidewalks provide for greater social interaction and strengthen residential neighborhoods. Sidewalks also provide a safe location for children to play. Walking is a popular recreational and fitness activity for residents of all ages. In the past, staff has recommending approval of a Variance to the Subdivision Regulations to waive the requirement to install sidewalk when it did not create a contiguous street design; however, the City Council has recently expressed concern with the lack of sidewalks being provided for pedestrian access. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along West Boulevard be denied.

Currently, street light conduit does not exist along this section of West Boulevard. Requiring the improvement will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be approved with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvement.

Roosevelt Avenue: Roosevelt Avenue is located along the east lot line of the subject property and is classified as a lane place street requiring that it 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, Roosevelt Avenue is located in a 60 foot wide right-of-way and constructed with a 27 foot wide paved surface, curb and gutter. To date, sidewalk, street light conduit, water and sewer have not been constructed along this section of Roosevelt Avenue. Requiring the improvements will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit, water and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 23, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.