

STAFF REPORT
October 27, 2005

No. 05SV072 - Variance to the Subdivision Regulations to reduce the minimum required pavement width for a collector street from 40 feet to 24 feet on Merritt Road; to waive the requirement to install sidewalk, curb, gutter and street light conduit along Merritt Road; and to waive the requirement to install sidewalk and street light conduit along Saratoga Drive as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

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| PETITIONER | Fisk Land Surveying for Bev Hammon |
| REQUEST | No. 05SV072 - Variance to the Subdivision Regulations to reduce the minimum required pavement width for a collector street from 40 feet to 24 feet on Merritt Road; to waive the requirement to install sidewalk, curb, gutter and street light conduit along Merritt Road; and to waive the requirement to install sidewalk and street light conduit along Saratoga Drive as per Chapter 16.16 of the Rapid City Municipal Code |
| EXISTING LEGAL DESCRIPTION | Unplatted portion of Lot 1, SW1/4 SE1/4, Section 8, T2N, R7E, BHM, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots 10, 11 and 12, Block 6, Northdale Subdivision, Lot 1, SW1/4 SE1/4, Section 8, T2N, R7E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 1.98 acres |
| LOCATION | At the northwest corner of the intersection of Saratoga Drive and Merritt Road |
| EXISTING ZONING | Suburban Residential District (Pennington County) |
| SURROUNDING ZONING | |
| North: | Suburban Residential District (Pennington County) |
| South: | Suburban Residential District (Pennington County) |
| East: | Suburban Residential District (Pennington County) |
| West: | Suburban Residential District (Pennington County) |
| PUBLIC UTILITIES | City water and Northdale Sewer District |
| DATE OF APPLICATION | 9/30/2005 |
| REVIEWED BY | Vicki L. Fisher / Michelle Horkey |

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the minimum required pavement width for a collector street from 40 feet to 24 feet on Merritt Road; to waive the requirement to install sidewalk, curb, gutter and street light conduit along Merritt Road; and to waive the requirement to install sidewalk and street light conduit along Saratoga Drive as per Chapter 16.16 of the Rapid City Municipal Code 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 improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to reduce the minimum required pavement width for a collector street from 40 feet to 24 feet on Merritt Road; to waive the requirement to install sidewalk, curb, gutter and street light conduit along Merritt Road; and to waive the requirement to install sidewalk and street light conduit along Saratoga Drive. In addition, the applicant has submitted a Layout Plat to subdivide the subject property, an unplatted parcel, into three residential lots. (See companion item #05PL179.)

The subject property is located in the northeast corner of the intersection of Saratoga Drive and Merritt Road. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Merritt Road: Merritt Road is located along the south lot line of the subject property and is classified as a collector street on the City's Major Street Plat 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, Merritt Road is located in a 66 foot wide right-of-way with a 24 foot wide paved surface. Requiring the improvement of Merritt Road as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Merritt Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Saratoga Drive: Saratoga Drive is located along the west lot line of the subject property and is classified as a sub-collector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter,

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sidewalk, street light conduit, water and sewer. Currently, Saratoga Drive is located in a 60 foot wide right-of-way and constructed with a 27 foot wide paved surface, curb, and gutter. Requiring the improvement of Saratoga Drive as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Saratoga Drive 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. Staff will notify the Planning Commission at the October 27, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.