

STAFF REPORT
January 5, 2006

No. 05SV081 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along Strato Rim Road, Aeronauts Way and the access and utility easements as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 34

GENERAL INFORMATION:

PETITIONER	Russell Johnson for Sandra Kadis
REQUEST	No. 05SV081 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along Strato Rim Road, Aeronauts Way and the access and utility easements as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 5 and 7 of Strato Rim Estates Subdivision, all located in Government Lots 3 and 4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12 acres
LOCATION	23645 Strato Rim Drive and 13600 Aeronauts Way
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	Private water/sewer
DATE OF APPLICATION	12/8/2005
REVIEWED BY	Mike Maxwell / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along Strato Rim Road, Aeronauts Way and the access and utility easements 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 along Strato Rim Road and Aeronauts Way; and that the Variance to the Subdivision Regulations to install sidewalks be tabled.

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GENERAL COMMENTS: The applicant has submitted a request for a Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement width along the Strato Rim Road, Aeronauts Way and the Access and Utilities Easements as they abut the subject property.

This Subdivision Variance has been submitted in conjunction with a request by the applicant for a Preliminary Plat approval to move the established lot line between Lot 7 and Lot 5. The applicant has submitted this request to relocate a common property line to address setback issues relative to existing structures located along the common property boundary. The proposed plat will create a 7.268 acre lot and a 4.683 acre lot, respectively. (See companion item #05PL201).

The property is located at the western terminus of Strato Rim Road. Currently two single family residences are located on the properties.

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

Sidewalks: Chapter 12.16.080 of the Rapid City Municipal Code states that when the lot has frontage in excess of 200 feet per dwelling unit, a sidewalk is not required. The proposed lots have frontage in excess of 200 feet. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks be tabled.

Roads: Strato Rim Road runs along the eastern property line of proposed Lots 7R and Lot 5R and is classified as lane/place road, requiring that Strato Rim Road be located in a minimum 49 foot right-of-way with a minimum 24 foot paved surface with curb, gutter, street light conduit, water and sewer. Currently, Strato Rim Road is located in a 26 foot wide right-of-way and is constructed with an approximate 20 foot wide paved surface. Strato Rim Road lies partially in the City's platting jurisdiction and partially in Pennington County's platting jurisdiction. The applicant has obtained a Subdivision Variance from Pennington County to waive the requirements to construct Strato Rim Road to County Standards. The re-platting of the lots does not increase the density of the area, and to require the improvements for that portion of the street located in the City's platting jurisdiction would create a discontinuous street section. Staff would recommend that the Variance to the Subdivision Regulations be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for the improvements.

Aeronauts Way runs from Strato Rim Road to the southern corner of proposed lot 5R and is classified as lane/place road, requiring that Aeronauts Way be located in a minimum 49 foot right-of-way with a minimum 24 foot paved surface with curb, gutter, street light conduit, water and sewer. Currently, Aeronauts Way is located in a 24 foot wide right-of-way and is constructed with an approximate 16 foot wide graveled surface. Aeronauts Way lies in

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Pennington County's platting jurisdiction but services property in the City's platting jurisdiction. The applicant has obtained a Subdivision Variance from Pennington County to waive the requirements to construct Aeronauts Way to County Standards. The re-platting of the lots does not increase the density of the area, and to require the improvements for that portion of the street located in the City's platting jurisdiction would create a discontinuous street section. Staff would recommend that the Variance to the Subdivision Regulations be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for the improvements.

The Access and Utilities easements run along the northern property line and eastern property line of Proposed Lot 7 and are classified as Lane/Place roads requiring that they be located in a minimum 49 foot right-of-way with a minimum 24 foot paved surface with curb, gutter, street light conduit, water and sewer. Currently the access and utilities easements are unimproved. The access and utilities easements lie partially in the City's platting jurisdiction and partially in Pennington County's platting jurisdiction. The applicant has obtained a Subdivision Variance from Pennington County to waive the requirements to construct the Access and Utilities easements to County Standards. The re-platting of the lots does not increase the density of the area. To require the improvements for that portion of the street located in the City's platting jurisdiction would create a discontinuous street section. Staff recommends that the Variance to the Subdivision Regulations be approved.

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

Staff recommends the Variance to the Subdivision Regulations be approved with the above stated stipulation.