

STAFF REPORT
February 9, 2006

No. 05SV079 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, additional pavement and additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 05SV079 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, additional pavement and additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 28 and 29 of Forest Park Estates Subdivision, formerly Lot 25R of Forest Park Estates Subdivision and all of Lot B Revised of the E1/2 of the SW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.3 acres
LOCATION	4231 Starlite Drive
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 water, sewer
DATE OF APPLICATION	12/2/2005
REVIEWED BY	Mike Maxwell / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement along Starlite Drive as

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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 assessment for the improvements.**

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

GENERAL COMMENTS: (Update, February 1, 2006. All revised and/or added text is shown in bold print.)

(Update, January 18, 2006. All revised and/or added text is shown in bold print.) The applicant has requested that the application for the Preliminary Plat be continued to the February 9, 2006 Planning Commission to allow the Variance to the Subdivision Regulations to be heard in conjunction with the Layout Plat (05PL231).

The applicant has submitted a request for a subdivision variance to waive curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement width and additional Right-of-Way along Starlite Drive as it abuts the subject property.

This Subdivision Variance has been submitted in conjunction with a request by the applicant for a Preliminary Plat approval to create two lots, Lot 28 and Lot 29 from Lot 25R. The proposed plat will create a 5 acre lot and a 2.3 acre lot respectively. (See companion item #05PL231).

The property is located on the west side of Starlite Drive in Forest Park Estates.

Staff Review:

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

Starlite Drive: Starlight Drive is located along the east lot line and is classified as a sub-collector street requiring that it be located in a minimum 47 foot wide right-of-way with 22 foot wide paved surface. At present Starlight Drive is located in a 50 foot wide right of way with a 20 foot paved surface with no curb, gutter, sidewalks, street light conduit, water or sewer. To require the improvements on Starlite Drive would create a discontinuous road section. Staff is recommending that the Variance to the Subdivision Regulations to waive the improvements as requested be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for the improvements.

Right-of-Way: Staff has noted that Starlite Drive is located in a 50 foot right-of-way, The Street Design Criteria Manual requires 47 feet of right-of-way along the roadway. As the existing right-of-way exceeds the required right-of-way, Staff recommends that

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the request to waive the requirement to dedicate additional right-of-way be denied without prejudice.

Legal Notification Requirement: The receipts from the certified mailings have been returned as of this writing. Staff has received some questions and comments about the variance but has not received any objections.