

STAFF REPORT  
May 25, 2006

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**No. 06SV023 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement along Reservoir Road and Ross Court and to waive the requirement to provide a planting screen easement along Reservoir Road as per Chapter 16 of the Rapid City Municipal Code.**

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**ITEM 34**

GENERAL INFORMATION:

PETITIONER	D. C. Scott Surveyors for Cheryl Burrow Hitshe
REQUEST	<b>No. 06SV023 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement along Reservoir Road and Ross Court and to waive the requirement to provide a planting screen easement along Reservoir Road as per Chapter 16 of the Rapid City Municipal Code.</b>
EXISTING LEGAL DESCRIPTION	Lot 16 of Twilight Hill Subdivision, and dedicated Reservoir Road Right-of-way; located in the SE1/4 SE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of Lot 16 of Twilight Hill Subdivision, and dedicated Reservoir Road Right-of-way; located in the SE1/4 SE1/4, Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .42 acres
LOCATION	At the northwest corner of the intersection of Reservoir Road and Ross Court
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	Rapid Valley Sanitary District
DATE OF APPLICATION	4/27/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

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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 Reservoir Road and to install curb, gutter, sidewalk and street light conduit along Ross Court 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; and

That the Variance to the Subdivision Regulations to provide a ten foot wide planting screen easement along Reservoir Road be approved for that area only which is encroached upon by the existing residential structures.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement along Reservoir Road and to install curb, gutter, sidewalk and street light conduit along Ross Court. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into two residential lots. (See companion item #06PL056.)

The Pennington County Planning Department has indicated that a building permit was issued to allow a garage to be constructed on the northern half of the subject property. However, a single family residence with an attached garage was constructed. Since a single family residence already exists on the southern half of the property, the second residence is an illegal structure. As such, the Pennington County Planning Department has indicated that the property must be platted as proposed to create two lots or one of the residences must be removed from the property. If the property is successfully platted, then a building permit to allow a single family residence with an attached garage in lieu of a garage must be obtained from Pennington County.

On October 1, 2001, the City Council approved a Layout Plat to subdivide the subject property into two lots as identified on this plat. On January 19, 2004, the City Council approved a similar Layout Plat to subdivide the subject property into two lots. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to improve Reservoir Road and Ross Court with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvements and denied a Variance to the Subdivision Regulations to waive the requirement to dedicate 17 additional feet of right-of-way along Reservoir Road.

On April 18, 2006, the County Board of Adjustment granted a Variance to reduce the front yard setback along Reservoir Road from 25 feet to eight feet. The property is located in the northwest corner of the intersection of Ross Court and Reservoir Road.

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**ITEM 34**

STAFF REVIEW:

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

Reservoir Road: Reservoir Road is located along the east lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, Reservoir Road is located in a 66 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface, sewer and water. (The plat document identifies that 17 additional feet of right-of-way will be dedicated along Reservoir Road.) Requiring the improvements of Reservoir Road as it abuts the subject property will create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Ross Court: Ross Court is located along the south lot line of the subject property and is classified as a lane place street. A lane place street must be constructed with a minimum 49 foot wide right-of-way and a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Ross Court is constructed with a 50 foot wide right-of-way and a 24 foot wide paved surface, water and sewer. Requiring the improvements of Ross Court as it abuts the subject property will create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Planting Screen Easement: The Subdivision Regulations require that a ten foot wide planting screen easement be provided along all arterial streets within a residential development. Reservoir Road is classified as an arterial street on the City's Major Street Plan and the property is located within a residential development. The applicant has submitted a site plan identifying that the two existing residential structures are located 7.9 feet and 8.9 feet, respectively, from Reservoir Road. As such, staff is recommending that the Variance to the Subdivision Regulations to provide a ten foot wide planting screen easement along Reservoir Road be approved for that area only which is encroached upon by the existing residential structures. The balance of the property as it abuts Reservoir Road must show a ten foot wide planting screen easement.

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**ITEM**

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 25, 2006 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.