

STAFF REPORT
October 26, 2006

No. 06SV059 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional public right-of-way, and to waive the requirement to install curb gutter, sidewalk, street light conduit, sewer, water, additional pavement and to waive the requirement to dedicate planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 47

GENERAL INFORMATION:

PETITIONER	D. C. Scott Surveyors, Inc. for Gary Rossow
REQUEST	No. 06SV059 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional public right-of-way, and to waive the requirement to install curb gutter, sidewalk, street light conduit, sewer, water, additional pavement and to waive the requirement to dedicate planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot G and the south 53.1 feet of Tract 3, and Lot HR, located in the SE1/4 NW1/4, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.47 acres
LOCATION	West side of Red Rock Canyon Road and .09 miles from Chapel Lane Way
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	Private water and Sewer
DATE OF APPLICATION	9/8/2006
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the planting screen easement as per Chapter 16 of the Rapid City Municipal Code be denied without prejudice.

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Staff recommends that the Variance to the Subdivision Regulations to dedicate an additional six feet of right-of-way as per Chapter 16 of the Rapid City Municipal Code be denied; and, Staff recommends that the Variance to the Subdivision Regulations to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on Red Rock Canyon Road as per Chapter 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.

GENERAL COMMENTS: This staff report has been revised as of October 17, 2006. All revised and/or added text is shown in bold print. This item was continued to the October 26, 2006 Planning Commission meeting to be heard in conjunction with the Preliminary Plat (06PL150). As of October 17, 2006 the required information for the Preliminary Plat has not been submitted. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional public right-of-way, and to waive the requirement to install curb gutter, sidewalk, street light conduit, sewer, water, additional pavement and to waive the requirement to dedicate planting screen easement as per Chapter 16 of the Rapid City Municipal Code along the subject property. In addition, the applicant has submitted a Preliminary Plat to reconfigure two lots (See associated item 06PL150).

The subject property is located west of Red Rock Canyon Road at 3921 and 3901 Red Rock Canyon Road. Currently two single family residences and a detached garage are located on the subject property.

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

Red Rock Canyon Road: Red Rock Canyon Road is located along the eastern lot line of the subject property and is classified as a sub-collector street requiring a minimum 52 foot right-of-way and constructed with a 27 foot paved surface. Currently, Red Rock Canyon Road has a 40 foot wide right-of-way and is an approximate 22 foot wide paved surface. Requiring the construction of additional pavement, curb, gutter and sidewalk 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 requirement to install pavement curb, gutter, sidewalk, streetlight conduit, water and sewer be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. However, staff recommends that the Variance to the Subdivision Regulations to dedicate an additional six feet of right-of-way on Red Rock Canyon Road be denied.

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Screen Planting: Staff noted that Section 16.12.030 (E) states that a subdivision which abut, or include within the proposed area to be subdivided, any highway or arterial street, shall provide reverse frontage with screen planting contained in a non-access reservation along the rear property line. Since Red Rock Canyon Road is classified as sub-collector and not a highway or arterial street no screen planting easement is required. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement provide a screen planting easement be denied without prejudice.

Legal Notification Requirement: **The receipts from the certified mailings have been returned.**