

STAFF REPORT

April 5, 2007

No. 07SV015 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 40

GENERAL INFORMATION:

PETITIONER	Tyz Thurston
REQUEST	No. 07SV015 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 13 of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 13A and 13B of Flannery Subdivision No. 2, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.32 acres
LOCATION	3825 Corral 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	Existing private well and septic system
DATE OF APPLICATION	2/27/2007
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk 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 assessment for the improvements.

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk as per Chapter 16.16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Layout Plat to create one 2.8 acre lot and one 0.6 acre lot respectively (See associated item 07PL042.)

The property is located east of Ireland Place and south of Corral Drive. Currently, a single-family residence is located on the subject property.

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

Ireland Place: Ireland Place is located along the west side of the subject property. Ireland Place is classified as a lane/place street requiring that it be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer if visitor parking is provided. Currently, Ireland Place is located in a 45 foot wide right-of-way and is constructed with a 20 foot wide paved surface, curb, gutter, street light conduit, water, sewer and sidewalk on the west side. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install sidewalk as per Chapter 16.16 of the Rapid City Municipal Code. As previously noted, sidewalk is currently located on the west side of Ireland Place. Staff also noted that there is currently no sidewalk constructed along the east side of Ireland Place adjacent to the subject property and installation of sidewalk along the east side of Ireland Place would create a discontinuous section. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the applicant sign a waiver of right to protest the future assessment for these improvements.

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 April 5, 2007 Planning Commission meeting if the notification requirement has not been met.