

STAFF REPORT
April 26, 2007

No. 07SV016 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, water and sewer along Easy Street and to waive the requirement to install sidewalk along Corral Drive as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 50

GENERAL INFORMATION:

PETITIONER	David Kallemeyn for Irvin W. and Illa M. Cannon
REQUEST	No. 07SV016 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, water and sewer along Easy Street and to waive the requirement to install sidewalk along Corral Drive as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 24 of the NE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 24A and 24B of the NE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.12 acres
LOCATION	3375 Corral Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Public Sewer and Water
DATE OF APPLICATION	3/9/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code along Easy Street be denied.

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That the Variance to the Subdivision Regulation to waive the requirement to install pavement as per Chapter 16.16 of the Rapid City Municipal Code along Easy Street be denied without prejudice.

That the Variance to waive the requirement to install sidewalk along Corral Drive 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 of the sidewalk improvements along Corral Drive.

GENERAL COMMENTS:

This item was continued at the April 5, 2007 Planning Commission meeting to the April 26, 2007 Planning Commission meeting at the applicant's request. David Kallemeyn, the applicant's engineer requested the continuation in order to allow the applicant time to explore a possible assessment project. As of this writing staff, has not been contacted by either the applicant or the applicant's professional engineer.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, street light conduit, water and sewer along Easy Street, and to waive the requirement to install sidewalk along Corral Drive.

The applicant has submitted a Layout Plat (07PL043) in conjunction with this Variance to the Subdivision regulations. The Layout Plat submitted is to subdivide an existing two acre lot into a 0.4 acre lot known as Lot 24B, and a 1.6 acre lot known as Lot 24A. The subject property is located at the intersection of Corral Drive and Easy Street. A single family residence is located on Lot 24. Currently the subject property is zoned Low Density Residential District.

STAFF REVIEW:

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

Corral Drive:

The subject property is bounded by Corral Drive on the north. The Major Street Plan classifies Corral Drive as a Minor Arterial Street. Corral Drive currently does not meet the requirement of a minimum 100 feet of right of way; however Corral Drive does meet the minimum 12 feet of pavement per lane width. Curb, gutter, as well as water and sewer mains are currently in place along Corral Drive. Sidewalk exists along the northern side of Corral Drive, however there is no sidewalk on the southern side of Corral Drive. As a part of the platting process the applicant is required to construct sidewalk along Corral Drive where it abuts the subject property.

Staff finds that adequate sidewalk is provided on the northern side of Corral Drive to provide

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pedestrians a safe access throughout the neighborhood, as well as safe access to Corral Park Apartments, and Corral Drive Elementary. For this reason, staff recommends approval of the variance to waive the requirement for the installation of sidewalk along Corral Drive with the stipulation that prior to City Council approval, the applicant sign a Waiver of Right to Protest any future assessments of sidewalk improvements.

Easy Street:

The subject property is bounded by Easy Street on the west. Easy Street is classified as a Lane/Place Street. Easy Street meets the minimum criteria of a minimum 45 feet right-of-way, and a minimum of 20 feet of pavement. However, Easy Street currently does not have curb, gutter, sidewalk or street light conduit.

The applicant is required to construct curb, gutter, sidewalk and street light conduit as part of the platting process. The applicant has not submitted any drainage information demonstrating that drainage can be accommodated along Easy Street; therefore staff is recommending that the variance to the Subdivision Regulation to waive the requirement to install curb and gutter be denied.

Easy Street currently provides access to ten single family residential structures. A school and an apartment complex currently lie within the immediate vicinity of Easy Street. For this reason staff finds that sidewalk is necessary to provide safe pedestrian access throughout the area. Staff recommends that the Variance to the Subdivision regulations to waive the requirement to install sidewalks be denied.

The requirement to provide street light conduit does not require that a streetlight be placed as part of the platting of the property. However, providing the conduit at this time allows the placement of a streetlight in the future as needed. As such staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied

Legal Notification Requirement:

As of this writing, the white slips from the certified mailings and the green cards have not been returned. Staff will notify the Planning Commission at the April 5, 2007 Planning Commission meeting if this requirement has not been met.