

STAFF REPORT
August 9, 2007

No. 07SV038 - Variance to the Subdivision Regulations to waive the requirement to dedicate Right-of-way along the Section Line Highway

ITEM 47

GENERAL INFORMATION:

PETITIONER	Kathleen Berger
REQUEST	No. 07SV038 - Variance to the Subdivision Regulations to waive the requirement to dedicate Right-of-way along the Section Line Highway
EXISTING LEGAL DESCRIPTION	Lot B of Tract 1 of H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot C of Tract 1 in H-O Subdivision, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 28, T1N, R9E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 16.59 acres
LOCATION	15010 E. Highway 44
EXISTING ZONING	Limited Agricultural District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	7/6/2007
REVIEWED BY	Jonathan Smith / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate Right-of-way along the Section Line Highway be approved.

GENERAL COMMENTS:

The applicant is requesting to waive the requirement to dedicate right-of-way along the section line highway abutting the property. The section line highway that abuts the property is currently developed with a narrow gravel road, which serves as a means of access to six properties. No other improvements are in place. The section line highway adjacent to the property is unusual

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in that it is owned by the adjacent property owner

A Preliminary Plat (#07PL082) to create a 13.33 acre lot identified as Lot BR, and a 3.26 acre lot identified as Lot C from an existing 16.59 acre lot has been filed prior to this request. The current lot that is proposed to be subdivided is Lot B of Tract 1 of H-O Subdivision.

The property is located northeast of the intersection of Bradsky Road and South Dakota Highway 44. Currently a single family residence is located on proposed Lot BR. Proposed Lot C is void of any structural development; however, the applicant has indicated that a single family residence is proposed to be constructed on Lot C. The subject property is not located within the municipal boundaries of the City of Rapid City; however, the property is located within the City of Rapid City's Three Mile Platting Jurisdiction.

Current zoning of the property is Limited Agricultural District by Pennington County. A Variance to the Subdivision Regulations (#07SV033) to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code has been filed in conjunction with the Preliminary Plat application.

STAFF REVIEW:

Staff has reviewed the applicant's request to waive the requirement to dedicate 49 feet of right-of-way along the section line highway and noted the following considerations:

SECTION LINE HIGHWAY:

The applicant is requesting to waive the requirement to dedicate right-of-way along the section line highway abutting proposed Lot BR. The Street Design Criteria Manual classifies the section line highway as a Lane/ Place street that requires a minimum 49 feet of right-of-way. There is 66 feet of section line highway lying adjacent to this site, but it is not part of the property currently being subdivided. The property owner cannot dedicate the section line highway as they are not the owners. As the section line highway provides more than the required right-of-way, staff can support this request. The section line highway will be required to be dedicated when the adjacent land which it is part of is platted.

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 August 9, 2007 Planning Commission meeting if this requirement has not been met.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate 49 feet of right-of-way along the section line highway be approved.