

STAFF REPORT
November 8, 2007

No. 07SV060 - Variance to the Subdivision Regulations to allow platting half a right-of-way as per Chapter 16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Mark and Jana Koupal
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Mark and Jana Koupal
REQUEST	No. 07SV060 - Variance to the Subdivision Regulations to allow platting half a right-of-way as per Chapter 16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Plat of Lots 1 and 2 of Koupal Estates Subdivision, located in the SW1/4 SW1/4 and the S1/2 S1/2 NW1/4 SW1/4, Section 14, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 50.00 acres
LOCATION	32774 Wallace Street
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District - Planned Unit Development (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	10/12/2007
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow platting half a

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right-of-way as per Chapter 16 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to allow platting half of a right-of-way along a section line highway located along the west and south lot lines of the property, respectively. In addition, the applicant has submitted a Preliminary Plat (#07PL142) to subdivide the property, currently two deeded parcels, into two platted lots.

On July 16, 2007, the City Council approved a Layout Plat (#07PL060) to create the two lots as shown on this Preliminary Plat. In addition, a Variance to the Subdivision Regulations was approved to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Wallace Street and the abutting section line highways with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;
2. Marie Lane, Roland Drive and Wallace Street shall be improved as needed to insure that a minimum 20 foot wide graveled access road is being provided to serve as access from Neck Yoke Road to the subject property. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of Wallace Street with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter graveled surface; and,
3. The plat document shall be revised to show the dedication of a 33 foot wide right-of-way along the west and south lot lines, respectively, for that portion of the section line highway(s) located on the subject property.

The subject property is located east of Neck Yoke Road, at the southern terminus of Wallace Street. Currently, a residence, garage and three sheds are located on proposed Lot 1. Proposed Lot 2 is currently void of any structural development.

STAFF REVIEW:

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

Section Line Highways: A section line highway is located along the west lot line and the south lot line of the subject property, respectively. The plat document currently shows the dedication of right-of-way for that portion of the section line highways located on the applicant's property. However, the west half and the south half of the section line highways are located on adjacent properties under different ownership than the property. The Subdivision Regulations state that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted". As such, the adjacent property owners must participate in the platting of the west half and the south half of the section line highways or a Variance to the Subdivision Regulations must be obtained to allow platting half a right-of-way or the section line highways must be vacated. The applicant has, subsequently, requested a Variance to the Subdivision Regulations to allow platting half a right-of-way. In the past, the Planning

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Commission and the City Council have granted similar Variance requests when the associated plat did not result in any increase in density. The associated Preliminary Plat identifies platting two existing parcels into two lots with no increase in density. As such, staff is recommending that the Variance to the Subdivision Regulations be approved.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 8, 2007 Planning Commission meeting if this requirement has not been met.