

STAFF REPORT
January 10, 2008

No. 07SV072 - Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way, to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to waive the requirement that each lot shall be provided with access from a public street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Dan and Lori Smith
REQUEST	No. 07SV072 - Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way, to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to waive the requirement that each lot shall be provided with access from a public street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 10 and Lot 2 of Block 13, located in the SW1/4 NE1/4 NW1/4, Section 2, T1N, R7E, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A, B and C of Lot 2 of Block 10 and Block 13, located in the SW1/4 NE1/4 NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.16 acres
LOCATION	Adjacent to the west side of Skyline Drive and North of Dinosaur Park
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Park Forest District
East:	Park Forest District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION 12/14/2007

REVIEWED BY Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Skyline Drive be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Valentine Street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate 49 feet of right-of-way for Valentine Street as it extends through the northwest corner of proposed Lot C be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement that each lot be provided with access from a public street be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations (#07SV072) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Skyline Drive and Valentine Street, to waive the requirement to dedicate right-of-way along Valentine Street and to waive the requirement that each lot be provided with access from a public street. In addition, the applicant has submitted a Preliminary Plat to subdivide the property into three lots.

On May 3, 2004, the City Council approved a Layout Plat (#04PL042) to reconfigure the property into two lots. In addition, a Variance to the Subdivision Regulations (#04SV021) was granted to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Skyline Drive and Valentine Street as they abut the property.

The property is located between Skyline Drive and Valentine Street at the northern terminus of Valentine Street. Currently, a single family residence is located on proposed Lot B. Proposed Lots A and C are void of any structural development.

The applicant is proposing to sell Lot C to the City. In addition, Lot A will be retained by the applicant with the reversionary clause that if access is ever provided to the lot, the ownership of the lot will automatically be transferred to the City of Rapid City.

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STAFF REVIEW:

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

Valentine Street: Valentine Street extends east from Jackson Boulevard to serve as access to the property. The street is located within an access easement and constructed with an approximate 20 foot wide graveled road. However, the street is classified as a lane place street requiring that it be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water.

As previously indicated, in 2004, a Variance to the Subdivision Regulations was obtained to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Valentine Street as it abuts the property. However, the associated Layout Plat did not result in an increase in density. This plat will subdivide two parcels into three lots resulting in an increase in density. The policy of the Planning Commission and City Council has been that when platting results in an increase in density, subdivision improvements be provided as per the Subdivision Regulations. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve Valentine Street be denied. Staff is also recommending the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way along Valentine Street be denied. In particular, the plat document must be revised to show that portion of Valentine Street extending through the northwest corner of Lot C within a 49 foot wide right-of-way.

Skyline Drive: Skyline Drive is located along the east lot line and is classified as a collector street on the City's Major Street Plan requiring that the street be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Skyline Drive is located in a 60 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface. Requiring that the street be improved as it abuts the subject property will create a discontinuous street section. In the past, the Planning Commission and the City Council have granted similar requests when the improvement would create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivisions to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Access The plat document identifies a non-access easement along Skyline Drive as it abuts Lot A and Lot C resulting in no legal access being provided to Lot A. As noted above, the applicant is proposing to sell Lot C to the City. In addition, Lot A will be retained by the applicant with the reversionary clause that if access is ever provided to the lot, the ownership of the lot will automatically be transferred to the City of Rapid City.

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Chapter 16.12.190.D of the Rapid City Municipal Code states that each lot shall be provided access from a public street. The plat document could be revised to show an access easement extending from Valentine Street to serve as access to proposed Lot A. As noted above, Skyline Drive is located along the east lot line of the property and is classified as a collector street on the City's Major Street Plan. As per the Street Design Criteria Manual, access must be provided from the lesser order street, or in this case, Valentine Street. In addition, Skyline Drive is currently identified as a State Scenic By-way. In addition, the street is being considered for designation as a National Scenic By-way. As such, access along Skyline Drive must be limited to the greatest degree possible. Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement that each lot shall be provided with access from a public street be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 10, 2008 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.