

STAFF REPORT
February 7, 2008

No. 08SV002 - Variance to the Subdivision Regulations to waive the requirement to provide drainage, grading and erosion control plans as per Chapter 16.12.210 of the Rapid City Municipal Code; and to reduce the width from 49 feet to 30 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 30 foot wide private access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Robert Sundby
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Beverly Hale
REQUEST	No. 08SV002 - Variance to the Subdivision Regulations to waive the requirement to provide drainage, grading and erosion control plans as per Chapter 16.12.210 of the Rapid City Municipal Code; and to reduce the width from 49 feet to 30 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 30 foot wide private access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The E1/2 of Lot 8 of the E1/2 NE1/4, less Lot H1, of the E1/2 of Lot 8 of the E1/2 of the NE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Sammi's Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.398 acres
LOCATION	4961 Sheridan Lake Road
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District

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West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/11/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide drainage, grading and erosion control plans as per Chapter 16.12.210 of the Rapid City Municipal Code be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 30 foot wide private access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide drainage, grading and erosion control plans and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to reduce the width from 49 feet to 30 feet along a 30 foot wide private access and utility easement as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #08PL002) to subdivide a 2.398 acre lot into two lots.

On December 17, 2007, the City Council approved a Layout Plat (File #07PL148) to subdivide the property into two lots as shown on this Preliminary Plat.

The property is located approximately 200 feet north of the intersection of Chateaux Ridge Court and Sheridan Lake Road on the west side of Sheridan Lake Road. Currently, a single family residence and a shed are located on proposed Lot 1.

STAFF REVIEW:

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

Drainage, Grading and Erosion Control Plans: As noted above, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide a drainage, grading and erosion control plan. However, the provision to obtain a Variance to the

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Subdivision Regulations as identified in Chapter 16.24 of the Rapid City Municipal Code is specific to the required subdivision improvements not the plans and reports. As such, a Variance can not be obtained to waive the requirement to provide drainage, grading and/or erosion control plans. In particular, the plans and reports are needed in order to identify any development issues that may arise as a result of the subdivision. Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a drainage, grading and erosion control plan be denied. The applicant has recently submitted a drainage plan for review and approval and, as such, is in concurrence with denial of the Variance.

Private Access and Utility Easement: An existing 30 foot wide access and utility easement is located on the adjacent property along the north lot line of proposed Lot 2. The easement is classified as a Lane Place Street requiring that it be located in a minimum 49 foot wide easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Based on the manner in which the 30 foot wide access and utility easement was platted, it appears that the owners of the property being platted do not have the right to use the adjacent access and utility easement. In the past the Planning Commission and the City Council have not required improvements within an easement when the applicant does not have the legal right to use the easement. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to reduce the width from 49 feet to 30 feet along the 30 foot wide private access and utility easement as it abuts the property be approved.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the February 7, 2008 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.