

STAFF REPORT

April 10, 2008

No. 08SV015 - Variance to the Subdivision Regulations to install sidewalk and additional pavement along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 17

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Children's Home Society of South Dakota
REQUEST	No. 08SV015 - Variance to the Subdivision Regulations to install sidewalk and additional pavement along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of Tract A of F&N Subdivision and Tract B of Neff's Subdivision No. 4, NW1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract BR, Neff's Subdivision No.4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.977 acres
LOCATION	Jolly Lane terminus, east of Elk Vale Road
EXISTING ZONING	Office Commercial District (Planned Commercial Development) / Low Density Residential District
SURROUNDING ZONING	
North:	Light Industrial District / General Agricultural District
South:	Low Density Residential District / Suburban Residential District - Pennington County
East:	Suburban Residential District - Pennington County
West:	General Commercial District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	3/14/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to install sidewalk and additional pavement along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

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1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,
2. A sidewalk shall be provided along the east side of Jolly Lane as it abuts the property.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk and additional pavement along Jolly Lane as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (#08PL031) to plat the property into a 3.977 acre parcel.

On January 22, 2004, the City Council approved an Initial and Final Commercial Development Plan to allow an emergency foster home with outside counseling services and general office uses to be located on Tract B, or the western portion of this proposed lot.

The property is located at the northeast terminus of Jolly Lane. Currently, the emergency foster care home is located on the property.

STAFF REVIEW:

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

Jolly Lane: Jolly Lane is an approximate 1,200 foot long cul-de-sac street and is located along the west lot line of the property. Jolly Lane is classified as a sub-collector street requiring that it be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. In addition, the permanent turnaround at the end of the cul-de-sac must have a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface. Currently, Jolly Lane is located within a 66 foot wide right-of-way and constructed with an approximate 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer. The bulb is located within a 110 foot diameter right-of-way and constructed with an approximate 88 foot diameter paved surface, curb, gutter, street light conduit, water and sewer.

Platting the property as proposed will not result in an increase in density. The Fire Department has also indicated that the existing 88 foot diameter turnaround in conjunction with the driveway to the emergency foster home will provide a fire apparatus turnaround at the end of Jolly Lane. In addition, requiring that the balance of the pavement for Jolly Lane as it abuts the property be improved from 20 feet in width to 26 feet in width 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 and when the plat did not result in an increase in density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install 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 improvement.

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Currently, sidewalk does not exist along this section of Jolly Lane. However, on October 1, 2007, the City Council approved a Preliminary Plat to create a 2.1 acre lot located directly west of the property, on the west side of Jolly Lane. A stipulation of approval requires that a sidewalk be provided along the west side of Jolly Lane. It has also been the position of the City Council that a sidewalk be provided as a part of any platting and/or development of a site to insure pedestrian safety within our community. In order to provide a safe place for pedestrians to walk, including children within the foster home facility, staff is recommending that a sidewalk be provided along the east side of Jolly Lane as it abuts the property. Please note that even though construction plans must be submitted for review and approval showing the sidewalk as identified, the construction of the sidewalk will not be required until a building permit is obtained for the property.

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