

STAFF REPORT
May 21, 2009

No. 09SV004 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 12

GENERAL INFORMATION:

APPLICANT	Herbert Jones
AGENT	D.C. Scott Co. Land Surveyors
PROPERTY OWNER	Herbert C. Jones
REQUEST	No. 09SV004 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 11A and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 11AR of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.34 acres
LOCATION	5581 Corbin Drive
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	2/6/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

STAFF REPORT
May 21, 2009

No. 09SV004 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 12

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

GENERAL COMMENTS: (Update, May 13, 2009. All revised and/or added text is shown in bold print.) This item was continued to the May 21, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#09PL004) application and to allow the applicant to submit the required information. On May 4, 2009 the applicant submitted the required information. As such, staff recommends that this item be approved with the above noted stipulation.

(Update, April 29, 2009. All revised and/or added text is shown in bold print.) This item was continued to the May 7, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#09PL004) application and to allow the applicant to submit the required information. To date, the required information has not been submitted. As such, staff recommends that this item be continued to the May 21, 2009 Planning Commission meeting.

(Update, April 14, 2009. All revised and/or added text is shown in bold print.) This item was continued to the April 23, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#09PL004) application and to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the May 7, 2009 Planning Commission meeting.

(Update, March 31, 2009. All revised and/or added text is shown in bold print.) This item was continued to the April 9, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#09PL004) application and to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the April 23, 2009 Planning Commission meeting.

(Update, March 16, 2009. All revised and/or added text is shown in bold print.) This item was continued to the March 26, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#09PL004) application and to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the April 9, 2009 Planning Commission meeting.

STAFF REPORT
May 21, 2009

No. 09SV004 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 12

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Preliminary Plat (#09PL004) to combine Lot 11A of Block 7 and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision. The proposed plat will not result in an increase in density. Currently, an accessory structure is located on the property.

STAFF REVIEW:

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

Corbin Drive: Corbin Drive is located along the northern lot line and is classified as a subcollector street requiring that the street 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, water and sewer. Currently, a portion of Corbin Drive is constructed with an approximate 20 foot wide paved surface. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code. Staff noted that the associated Preliminary Plat (#09PL004) does not create an increase in density and the street improvements would create a discontinuous street section. However, additional information is required prior to making a recommendation on the associated Preliminary Plat application. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the March 26, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

On May 4, 2009 the applicant submitted the required information for the associated plat. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.