

STAFF REPORT  
April 22, 2010

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**No. 10SV006 - Variance to the Subdivision Regulations to waive the requirement to install pavement along the alley right-of-way and to install sidewalks along the north side of Clark Street and to install street light conduit along Clark Street as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 16**

GENERAL INFORMATION:

APPLICANT/AGENT	Doug Noyes
PROPERTY OWNER	Doug and Kim Noyes
REQUEST	<b>No. 10SV006 - Variance to the Subdivision Regulations to waive the requirement to install pavement along the alley right-of-way and to install sidewalks along the north side of Clark Street and to install street light conduit along Clark Street as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lots A, B, D & E of replat of Lot 13 of Block 31 of Boulevard Addition and a portion of Fairview Street Right-of-way, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Noyes Subdivision, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.525 acres
LOCATION	South of Clark Street, west of 12th Street and the eastern terminus of Forest Hills Drive connecting with Clark Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/26/2010
REVIEWED BY	Ali DeMersseman / Karley Halsted

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement along the alley right-of-way, to install sidewalks along the north side of Clark Street and to install street light conduit along Clark Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the May 6, 2010 Planning Commission meeting.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install pavement along the adjacent alley right-of-way, to install sidewalks along the north side of Clark Street and to install street light conduit along Clark Street as it abuts the property.

The applicant has also submitted a related Preliminary Plat application (No. 10PL011) to reconfigure two existing parcels to create Lots 1 and 2 of Noyes Subdivision, measuring 0.82 acres and 0.705 acres, respectively. In addition, the applicant is requesting to vacate a portion of the Fairview Street right-of-way with the plat document.

On December 1, 2008, the City Council approved a Layout Plat (No. 08PL136) for the property. On January 5, 2009, the City Council denied without prejudice a Variance to the Subdivision Regulations (No. 08PL051) to waive the requirement to install sidewalk along Clark Street, to waive the requirement to construct sewer, water, street light conduit, sidewalk, asphalt and curb and gutter along Fairview Street.

The property is located south of Clark Street and west of 12<sup>th</sup> Street and is void of any structural development. The property is within the boundaries of the West Blvd Historic District.

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

Clark Street: Clark Street is located along the property's north and west lot lines and is classified as a sub-collector 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, sewer and water. Currently, Clark Street is located in a 60 foot wide right-of-way and constructed with a 27 foot wide paved surface, curb, gutter, sewer and water. However, sidewalks are currently not constructed along this portion of Clark Street. The submitted plans show a proposed sidewalk along the south side of Clark Street as it abuts the property; however, sidewalks are absent from the submitted plans on the north side of Clark Street. Section 16.16.090 of the Rapid City Municipal Code states that "sidewalks shall be constructed on both sides of all public or private streets in conformity with the design standards set forth in the Street Design Criteria Manual."

The applicant initially submitted a request to waive the requirement to provide sidewalks

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along the north side of Clark Street. However, on April 13, 2010, the applicant submitted a written statement requesting that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks along the north side of Clark Street be withdrawn. As such, staff recommends that the Planning Commission acknowledge the withdrawal of the Variance to the Subdivision Regulations request to waive the requirement to install sidewalks along the north side of Clark Street.

As previously noted, street light conduit is currently absent from this section of Clark Street. In addition, staff has noted that there are currently no plans to install City owned street lights on Clark Street, west of 12<sup>th</sup> Street. Therefore, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along Clark Street as it abuts the property be approved with the stipulation that prior to City Council approval, the applicant must sign a waiver of right to protest any future assessment for the improvement.

Alley: An existing alley is located along the property's east lot line. Section 16.16.020 of the Rapid City Municipal Code states that "on all streets and alleys a suitable hard-surfaced permanent type of pavement shall be constructed in accordance with the Street Design Criteria Manual." The Street Design Criteria Manual requires that alleys be located within a 20 foot right-of-way width and constructed with a 16 foot wide paved surface. The existing alley is located within a 20 foot wide right-of-way; however, the alley is currently unpaved.

The applicant is requesting that the requirement to provide a 16 foot wide paved surface along the alley be waived. Staff has noted that the related Preliminary Plat application (No. 10PL011) will not create an increase in density on the property. In addition, the lots proposed through the related Preliminary Plat application will not take access off of this existing alley. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a 16 foot wide paved surface be approved with the stipulation that prior to City Council approval, the applicant must sign a waiver of right to protest any future assessment for the pavement improvement.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission if this requirement has not been met. To date, staff has not received any inquires regarding the request.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement along the alley right-of-way, to install sidewalks along the north side of Clark Street and to install street light conduit along Clark Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the May 6, 2010 Planning Commission meeting at the applicant's request to be considered in conjunction with the related Preliminary Plat application.

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