

STAFF REPORT
September 23, 2010

No. 10SV018 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the east side of Wildflower Drive, on the south side of Clover Ridge Drive, on the west side of Prairie View Drive, on both sides of the street on Range View Circle, Range View Court and Harvest Lane, on the north side of Field View Drive and Minnesota Street, to reduce the right-of-way width from 52 feet to 50 feet on Wild Flower Drive, Clover Ridge Drive, Prairie View Drive and on portions of Range View Circle, to reduce the cul-de-sac right-of-way width from 110 feet to 100 feet on Prairie View Court and Range View Court, to reduce the right-of-way width from 100 feet to 90 feet and 80 feet on Minnesota Street, to reduce the pavement width from 27 feet to 20.5 feet on Wildflower Drive, Clover Ridge Drive and Range View Circle, to reduce the pavement width from 24 feet to 20.5 feet on Prairie View Court, Range View Court and Harvest Lane, to reduce the cul-de-sac pavement width from 96 feet to 69 feet on Prairie View Court and Range View Court and to waive the requirement to install a sewer main on Wildflower Drive from Minnesota Street to Clover Ridge Drive and on Range View Circle from Wild Flower Drive to Range View Court as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Rapid City Defense Housing Corporation
AGENT	Wyss Associates, Inc.
PROPERTY OWNER	Rapid City Defense Housing Corporation, et al
REQUEST	No. 10SV018 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the east side of Wildflower Drive, on the south side of Clover Ridge Drive, on the west side of Prairie View Drive, on both sides of the street on Range View Circle, Range View Court and Harvest Lane, on the north side of Field View Drive and Minnesota Street, to reduce the right-of-way width from 52 feet to 50 feet on Wild Flower Drive, Clover Ridge Drive, Prairie View Drive and on portions of Range View Circle, to reduce the cul-de-sac right-of-way width from 110 feet to 100 feet on Prairie View Court and Range View Court, to reduce the right-of-way width from 100 feet to 90 feet and 80 feet on Minnesota Street, to reduce the pavement width from 27 feet to 20.5 feet on Wildflower Drive, Clover Ridge Drive and Range View Circle, to reduce the pavement width from 24 feet to 20.5 feet on Prairie View Court,

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Range View Court and Harvest Lane, to reduce the cul-de-sac pavement width from 96 feet to 69 feet on Prairie View Court and Range View Court and to waive the requirement to install a sewer main on Wildflower Drive from Minnesota Street to Clover Ridge Drive and on Range View Circle from Wild Flower Drive to Range View Court as per Chapter 16.16 of the Rapid City Municipal Code

EXISTING
LEGAL DESCRIPTION

Lots 1 through 22 and 24 through 29 of Block 1, Lots 1 through 18 of Block 2, Lots 1 through 43 and 45 through 57 of Block 4, Lots 1 through 64 of Block 5 and Common Areas C through H of Dakota Ridge Subdivision located in the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

PROPOSED
LEGAL DESCRIPTION

Lots 1R through 22R and 24R through 29R of Block 1, Lots 1R through 18R of Block 2, Lots 1R through 43R and 45R through 57R of Block 4, Lots 1R through 64R of Block 5 and Common Area C Revised, Common Area D Revised, Common Area E Revised, Common Area F Revised, Common Area G Revised and Common Area H Revised of Dakota Ridge Subdivision located in the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City,

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	Pennington County, South Dakota
PARCEL ACREAGE	Approximately 32.48 acres
LOCATION	West of Cambell Street, south of East Minnesota Street and east of Elm Avenue
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	General Commercial District
East:	General Commercial District
West:	Low Density Residential II District / Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/9/2010
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the right-of-way

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width on Clover Ridge Drive, Prairie View Drive, Range View Circle and Wild Flower Drive from 52 feet to 50 feet, to reduce the cul-de-sac right-of-way diameter on Prairie View Court and Range View Court from 110 feet to 100 feet and to reduce the right-of-way width on E. Minnesota Street from 100 feet to 90 feet and 80 feet, respectively, be approved with the following stipulation:

1. A ten foot wide public utility and pedestrian access easement shall be provided along E. Minnesota Street; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of Range View Court, Range View Circle and Harvest Lane, the south side of Clover Ridge Drive, the east side of Wild Flower Drive, the west side of Prairie View Drive, the north side of Field View Drive and the north side of East Minnesota Street, to reduce the pavement width on Range View Court from 24 feet to 20.5 feet, to reduce the pavement width on Prairie View Court from 24 feet to 20.5 feet, to reduce the pavement width on Clover Ridge Drive from 27 feet to 20.5 feet, to reduce the pavement width on Wild Flower Drive from 27 feet to 20.5 feet, to reduce the pavement width on Range View Circle from 27 feet to 20.5 feet, to reduce the pavement width on Harvest Lane from 24 feet to 20.5 feet, to reduce the cul-de-sac pavement width on Range View Court from 96 feet to 69, to reduce the cul-de-sac pavement width on Prairie View Court from 96 feet to 69 feet and to waive the requirement to provide a sewer main along Wild Flower Drive and Range View Circle be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement; and,
2. No-parking signs shall be posted along one side of Range View Court, Prairie View Court, Clover Ridge Drive, Wild Flower Drive, Range View Circle, Harvest Lane and

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within the cul-de-sac bulbs on Range View Court and Prairie View Court prior to submittal of a Final Plat application.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the east side of Wildflower Drive, on the south side of Clover Ridge Drive, on the west side of Prairie View Drive, on both sides of the street on Range View Circle, Range View Court and Harvest Lane, on the north side of Field View Drive and Minnesota Street, to reduce the right-of-way width from 52 feet to 50 feet on Wild Flower Drive, Clover Ridge Drive, Prairie View Drive and on portions of Range View Circle, to reduce the cul-de-sac right-of-way width from 110 feet to 100 feet on Prairie View Court and Range View Court, to reduce the right-of-way width from 100 feet to 90 feet and 80 feet on Minnesota Street, to reduce the pavement width from 27 feet to 20.5 feet on Wildflower Drive, Clover Ridge Drive and Range View Circle, to reduce the pavement width from 24 feet to 20.5 feet on Prairie View Court, Range View Court and Harvest Lane, to reduce the cul-de-sac pavement width from 96 feet to 69 feet on Prairie View Court and Range View Court and to waive the requirement to install a sewer main on Wildflower Drive from Minnesota Street to Clover Ridge Drive and on Range View Circle from Wild Flower Drive to Range View Court. In addition, the applicant has submitted a Preliminary Plat (File #10PL065) to replat the property, which includes 172 residential lots and common areas. The applicant has also submitted a Major Amendment to the Planned Residential Development (File #10PD053) to reduce setbacks on 166 of the 172 residential lots. The property is a part of "Dakota Ridge Subdivision", a 200 residential lot development.

On July 6, 2010, the City Council approved a Preliminary Plat (File #10PL030) to replat 32 residential lots within the Dakota Ridge Subdivision. In addition, a Variance to the

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Subdivision Regulations (File #10SV011) was approved waiving street improvements within the existing development for the 32 lots. A Major Amendment to the Planned Residential Development (File #10PD038) was also approved to reduce setbacks on 25 of the 32 residential lots.

Dakota Ridge was developed in the early 1980's by the Rapid City Defense Housing Corporation and annually leased to the U.S. Air Force to provide housing for U.S. Air Force personnel. The applicant has indicated that the lease agreement expires in October, 2010; however, the leases are being released as the properties are being sold. A recent survey of the property identified that several of the structures encroach into setbacks. In addition, some of the existing fences do not follow lot lines as originally proposed.

The property is located west of Cambell Street and south of E. Minnesota Street. Currently, a single family residence is located on each lot in this phase of the development. In addition, a community center and playground(s) are located within the common areas.

STAFF REVIEW:

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

East Minnesota Street: East Minnesota Street is located along the north lot line and is classified as a minor arterial street on the City's Major Street Plan requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, East Minnesota Street is located within a varying right-of-way width of 80 feet to 90 feet and is constructed as a minor arterial street with a 36 foot wide paved surface, curb, gutter, street

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light conduit, water, sewer, a sidewalk along the south side of the street and a sidewalk along a portion of the north side of the street.

The Major Street Plan was initially adopted by the City on January 15, 1996 and identified Minnesota Street as a collector street. In July of 2000, the Major Street Plan was amended reclassifying Minnesota Street as a minor arterial street. Due to the amendment to the Major Street Plan in 2000, any platting along Minnesota Street now requires that 10 additional feet of right-of-way be obtained from each adjacent property in order to secure the minimum 100 foot right-of-way width for a minor arterial street.

The Long Range Transportation Plan identifies that in the year 2025, 7,000 peak week daily traffic trips will be generated along Minnesota Street. Future development within the area may require improvements and/or expansion to Minnesota Street. The existing 80 foot wide and 90 foot wide right-of-way along this portion of Minnesota Street should accommodate any additional turn lanes that may be necessary due to increased traffic flows generated by future development of the area. However, staff is recommending that a 10 foot wide public utility and pedestrian access easement be provided along the north lot line of the property to accommodate pedestrian access and any future location and/or relocation of public utilities.

Please note that the City has previously granted similar Variance requests to reduce the right-of-way width along portions of Minnesota Street with the stipulation that a 10 foot wide public utility and pedestrian access easement be provided.

To date, a sidewalk has not been constructed along the north side of the E. Minnesota Street a distance of approximately 375 feet. Extending the sidewalk along the balance of the street as it abuts the property will provide a pedestrian connection to Cambell Street.

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However, the sidewalk does not have to be constructed as a part of the plat, only shown on the construction plans. The sidewalk improvement is required as a part of any future building permit for the adjacent property located north of Minnesota Street owned by others. Since there are no other improvements required along East Minnesota Street, staff recommends approval of the Variance to waive the requirement to provide the sidewalk design for the sidewalk on the north side of East Minnesota Street. This will allow the design of the sidewalk to fit the finished elevations of the property north of East Minnesota Street.

Range View Court: Range View Court serves as access to 14 of the residential lots and is classified as a lane place cul-de-sac street requiring that it be located within a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb must be located within a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot wide paved surface. Range View Court is currently located within a 50 foot wide right-of-way and constructed with a 20.5 foot wide paved surface, curb, gutter, street light conduit, water and sewer. In addition, the cul-de-sac bulb is located within a 100 foot diameter right-of-way and constructed with a 69 foot diameter paved surface.

In 1989, the City Council approved an Initial and Final Development Plan for the development that allowed sidewalks to be provided along one side of each street or within the common area. In particular, it was noted that the sidewalks being provided within the common areas would provide additional pedestrian access through the development.

Since the street improvements currently exist within the 50 foot wide right-of-way and since sidewalks are being provided in compliance with the approved Initial and Final Residential Development Plan, staff recommends that the Variance to the Subdivision Regulations to

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reduce the cul-de-sac right-of-way width from 110 feet to 96 feet, to reduce the pavement width from 24 feet to 20.5 feet and to waive the requirement to provide a sidewalk along both sides of the street 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 pavement and sidewalk improvements. In addition, no parking signs must be posted along the street and within the cul-de-sac bulb.

Prairie View Court: Prairie View Court serves as access to six of the residential lots and is classified as a lane place cul-de-sac street requiring that it be located within a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb must be located within a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot wide paved surface. Prairie View Court is currently located within a 50 foot wide right-of-way and constructed with a 20.5 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. In addition, the cul-de-sac bulb is located within a 100 foot diameter right-of-way and constructed with a 69 foot diameter paved surface.

Since the street improvements currently exist within the existing right-of-way, staff recommends that the Variance to the Subdivision Regulations to reduce the cul-de-sac right-of-way width from 110 feet to 96 feet and to reduce the pavement width from 24 feet to 20.5 feet 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 pavement improvement. In addition, no parking signs must be posted along the street and within the cul-de-sac bulb.

Prairie View Drive: Prairie View Drive is located in the eastern portion of the property and is classified as a sub-collector street requiring that it be located within a minimum 52 foot wide

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right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Prairie View Drive is currently located within a 50 foot wide right-of-way and constructed as a sub-collector street with the exception of sidewalk along the west of the street.

As previously indicated, in 1989, the City Council approved an Initial and Final Development Plan for the development that allowed sidewalks to be provided along one side of each street. In addition, it was noted that the sidewalks being provided within the common areas would provide additional pedestrian access through the development.

Since the street improvements currently exist within the 50 foot wide right-of-way and since sidewalks are being provided in compliance with the approved Initial and Final Residential Development Plan, staff recommends that the Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 50 feet and to waive the requirement to provide a sidewalk along the west side of the street 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 sidewalk improvement. In addition, no parking signs must be posted along the street.

Clover Ridge Drive: Clover Ridge Drive is located along the north lot line and is classified as a sub-collector street requiring that it be located within 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. Clover Ridge Drive is currently located within a 50 foot wide right-of-way and constructed as a sub-collector street with a 20.5 foot wide paved surface, curb, gutter, street light conduit, water, sewer and a sidewalk along the north side of the street.

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As previously indicated, in 1989 the City Council approved an Initial and Final Development Plan for the development that allowed sidewalks to be provided along one side of each street. In addition, it was noted that the sidewalks being provided within the common areas would provide additional pedestrian access through the development.

Since the street improvements currently exist within the 50 foot wide right-of-way and since sidewalks are being provided in compliance with the approved Initial and Final Residential Development Plan, staff recommends that the Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 50 feet, to reduce the pavement width from 27 feet to 20.5 feet and to waive the requirement to provide a sidewalk along the south side of the street 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 pavement and sidewalk improvements. In addition, no parking signs must be posted along the street and within the cul-de-sac bulb.

Wild Flower Drive: Wild Flower Drive extends south from E. Minnesota Street and serves as access to the development. Wild Flower Drive is classified as a sub-collector street requiring that it be located within 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. Wild Flower Drive is currently located within a 50 foot wide right-of-way and constructed with a 20.5 foot wide pavement width, curb, gutter, sidewalk along the west side of the street, street light conduit and water. The applicant has subsequently requested a Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 50 feet, to reduce the pavement width from 27 feet to 20.5 feet, to waive the requirement to install a sewer main along Wild Flower Drive and to waive the requirement to install a sidewalk along the east side of the street.

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All of the adjacent lots currently have sewer service eliminating the need to install a sewer main along the street at this time. Since this is an existing development and all of the adjacent lots currently have sewer service, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install a sewer main along Wild Flower Drive 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 sewer improvement.

The applicant has indicated that a 26 foot wide paved surface is provided along Wild Flower Drive when measured from back of curb to back of curb. The Fire Department has indicated support for the Variance request to waive the requirement to provide additional pavement on the existing street contingent upon the restriction of parking along the street to insure fire apparatus access. Restricting parking to one side of the street secures fire apparatus access along the street. As such, staff recommends that the Variance to the Subdivision Regulations 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 pavement improvement. In addition, no-parking signs must be posted along one side of Wild Flower Drive prior to submittal of a Final Plat application.

Since the balance of the street improvements currently exist within the 50 foot wide right-of-way, staff recommends that the Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 50 feet be approved. In addition, as previously indicated, in 1989 the City Council approved an Initial and Final Development Plan for the development that allowed sidewalks to be provided along one side of each street. In addition, it was noted that the sidewalks being provided within the common areas would provide additional pedestrian access through the development. Since sidewalks are being provided in

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No. 10SV018 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the east side of Wildflower Drive, on the south side of Clover Ridge Drive, on the west side of Prairie View Drive, on both sides of the street on Range View Circle, Range View Court and Harvest Lane, on the north side of Field View Drive and Minnesota Street, to reduce the right-of-way width from 52 feet to 50 feet on Wild Flower Drive, Clover Ridge Drive, Prairie View Drive and on portions of Range View Circle, to reduce the cul-de-sac right-of-way width from 110 feet to 100 feet on Prairie View Court and Range View Court, to reduce the right-of-way width from 100 feet to 90 feet and 80 feet on Minnesota Street, to reduce the pavement width from 27 feet to 20.5 feet on Wildflower Drive, Clover Ridge Drive and Range View Circle, to reduce the pavement width from 24 feet to 20.5 feet on Prairie View Court, Range View Court and Harvest Lane, to reduce the cul-de-sac pavement width from 96 feet to 69 feet on Prairie View Court and Range View Court and to waive the requirement to install a sewer main on Wildflower Drive from Minnesota Street to Clover Ridge Drive and on Range View Circle from Wild Flower Drive to Range View Court as per Chapter 16.16 of the Rapid City Municipal Code

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compliance with the approved Initial and Final Residential Development Plan, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along the east side of the street 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 sidewalk improvement.

Range View Circle: Range View Circle is a looped street within the development and is classified as a sub-collector street requiring that it be located within 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. Range View Circle is currently located within a 50 foot wide right-of-way and constructed with a 20.5 foot wide pavement width, curb, gutter, street light conduit and water. A sidewalk has been constructed on one side of the street. In addition, sewer is constructed in portions of the street.

As previously indicated, in 1989 the City Council approved an Initial and Final Development Plan for the development that allowed sidewalks to be provided along one side of each street. In addition, it was noted that the sidewalks being provided within the common areas would provide additional pedestrian access through the development.

Since the street improvements currently exist within the 50 foot wide right-of-way and since sidewalks are being provided in compliance with the approved Initial and Final Residential Development Plan, staff recommends that the Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 50 feet, to reduce the pavement width from 27 feet to 20.5 feet and to waive the requirement to provide a sidewalk along the south side of the street 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 pavement and sidewalk

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No. 10SV018 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the east side of Wildflower Drive, on the south side of Clover Ridge Drive, on the west side of Prairie View Drive, on both sides of the street on Range View Circle, Range View Court and Harvest Lane, on the north side of Field View Drive and Minnesota Street, to reduce the right-of-way width from 52 feet to 50 feet on Wild Flower Drive, Clover Ridge Drive, Prairie View Drive and on portions of Range View Circle, to reduce the cul-de-sac right-of-way width from 110 feet to 100 feet on Prairie View Court and Range View Court, to reduce the right-of-way width from 100 feet to 90 feet and 80 feet on Minnesota Street, to reduce the pavement width from 27 feet to 20.5 feet on Wildflower Drive, Clover Ridge Drive and Range View Circle, to reduce the pavement width from 24 feet to 20.5 feet on Prairie View Court, Range View Court and Harvest Lane, to reduce the cul-de-sac pavement width from 96 feet to 69 feet on Prairie View Court and Range View Court and to waive the requirement to install a sewer main on Wildflower Drive from Minnesota Street to Clover Ridge Drive and on Range View Circle from Wild Flower Drive to Range View Court as per Chapter 16.16 of the Rapid City Municipal Code

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improvements. In addition, no parking signs must be posted along the street.

All of the adjacent lots currently have sewer service eliminating the need to install a sewer main along the street at this time. Since this is an existing development and all of the adjacent lots currently have sewer service, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install a sewer main along Range View Circle 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 sewer improvement.

Field View Drive: Field View Drive is located in the southern portion of the property and is classified as a sub-collector street requiring that it be located within 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. Field View Drive is currently located within a 50 foot wide right-of-way and constructed as a sub-collector street with the exception of sidewalk along the north side of the street.

Since the street improvements currently exist within the 50 foot wide right-of-way and since sidewalks are being provided in compliance with the approved Initial and Final Residential Development Plan, staff recommends that the Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 50 feet and to waive the requirement to provide a sidewalk along the north side of the street 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 sidewalk improvement. In addition, no parking signs must be posted along the street.

Harvest Lane: Harvest Lane serves as access to 16 of the residential lots and is classified as a lane place street requiring that it be located within a minimum 49 foot wide right-of-way and

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constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Harvest Lane is currently located within a 50 foot wide right-of-way and constructed with a 20.5 foot wide paved surface, curb, gutter, street light conduit, water and sewer.

In 1989, the City Council approved an Initial and Final Development Plan for the development that allowed sidewalks to be provided along one side of each street or within the common area. In particular, it was noted that the sidewalks being provided within the common areas would provide additional pedestrian access through the development.

Since the street improvements currently exist within the 50 foot wide right-of-way and since sidewalks are being provided in compliance with the approved Initial and Final Residential Development Plan, staff recommends that the Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 50 feet, to reduce the pavement width from 24 feet to 20.5 feet and to waive the requirement to provide a sidewalk along both sides of the street 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 pavement and sidewalk improvements. In addition, no parking signs must be posted along the street.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the September 23, 2010 Planning Commission meeting if this requirement is not met.