

STAFF REPORT
January 6, 2011

No. 10SV027 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Doolittle Street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 21

GENERAL INFORMATION:

APPLICANT	William Peterson and Don Jiracek
PROPERTY OWNER	William Peterson and Don Jiracek
REQUEST	No. 10SV027 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Doolittle Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Block 76 less the north 8.5 feet of Block 76 of Mahoney Addition located in SW1/4 of SE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot A and Lot B of Block 76 of Mahoney Addition
PARCEL ACREAGE	Approximately .48 acres
LOCATION	At the southeast corner of Doolittle Street and Wood Avenue
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/8/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Doolittle Street be denied.

GENERAL COMMENTS:

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The applicant has submitted a Variance to the Subdivision regulations to waive the requirement to dedicate additional right-of-way along Doolittle Street as it abuts the property. On September 23, 2010, the Planning Commission recommended approval of a Preliminary Plat (File #10PL063) to subdivide the property into two lots. City Council has subsequently continued the Preliminary Plat to allow the applicant to revise the plat document to show the dedication of one additional foot of right-of-way for Doolittle Street or to obtain a Variance to the Subdivision Regulations waiving the requirement to dedicate the additional right-of-way.

On November 15, 2010, the City Council approved a Variance to the Subdivision Regulations (File 10SV023) request to waive the requirement to provide additional pavement along Doolittle Street and Wood Avenue as they abut the property.

On November 4, 2010, the Planning Commission recommended approval of an Ordinance Amendment (File #10OA017) to allow setbacks to be reduced for existing structures as a result of dedicating right-of-way or H Lots. The City Council will consider the Ordinance Amendment at their December 20, 2010 City Council meeting. The Ordinance Amendment was initiated by staff in order to resolve the dedication of right-of-way issue relating to this property. Please note that if the Ordinance Amendment is approved and becomes effective, this Variance to the Subdivision Regulations would not be needed.

The property is located in the southeast corner of the intersection of Wood Avenue and Doolittle Street. Currently, a single family residence and a garage are located on the property.

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

Doolittle Street: Doolittle Street 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. Doolittle Street is currently located within a 50 foot wide right-of-way and constructed with a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water, sewer. As previously indicated, the City Council has granted a Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 24 feet with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement. The document has been signed and recorded at the Register of Deed's Office.

In consideration of platting the property as proposed, one additional foot of right-of-way must be dedicated along Doolittle Street to provide the minimum right-of-way required for a sub-collector street. However, the existing residence is located 25 feet from the front lot line as it abuts Doolittle Street. The Low Density Residential District requires a minimum 25 foot front yard setback. Dedicating the additional foot of right-of-way will result in a 24 foot front yard setback which requires that the applicant obtain a Variance from the Zoning Board of Adjustment to reduce the front yard setback from 25 feet to 24 feet or to obtain a Variance to the Subdivision Regulations to waive the requirement to dedicate the additional foot of right-

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of-way. Obtaining the right-of-way at the time of platting the adjacent lots will allow for the future widening of the street to provide additional lanes, parking, utilities, etc. without requiring that the tax payers purchase the right-of-way in the future if determined it is needed. In particular, as traffic within this area increases, the driving lanes may be widened to accommodate vehicular traffic while insuring that on-street parking continues to be provided. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate one additional foot of right-of-way along Doolittle Street be denied. The applicant continues to have the option of obtaining a Variance from the Zoning Board of Adjustment to reduce the front yard setback as identified.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 6, 2011 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.