

STAFF REPORT
February 24, 2011

No. 11SV002 - Variance to the Subdivision Regulations to waive the requirement to increase the existing pavement width from 24 feet to 27 feet along Lindburgh Avenue and Patton Street as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code

ITEM 10

GENERAL INFORMATION:

APPLICANT	Doug Pokorney Northern Development, LLC
AGENT	D.C. Scott Co. Land Surveyors
PROPERTY OWNER	Northern Development, LLC - Larry Nelson / Doug Pokorney
REQUEST	No. 11SV002 - Variance to the Subdivision Regulations to waive the requirement to increase the existing pavement width from 24 feet to 27 feet along Lindbergh Avenue and Patton Street as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Block 11 and Block 22 of the amended plat of Mahoney Addition, located in the SW1/4 SE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot A, Lot B and Lot C of Block 11 and Lot A, Lot B, and Lot C of Block 22 of Mahoney Addition
PARCEL ACREAGE	Approximately 1.063 acres
LOCATION	East of Wood Avenue bewteen Lindbergh Avenue and Patton Street
EXISTING ZONING	Low Density Residential District - Medium Density Residential District (Planned Development Designation)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District - Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION 1/28/2011

REVIEWED BY Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to increase the existing pavement width from 24 feet to 27 feet along Lindbergh Avenue and Patton Street as they abut the property pursuant to 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 improvement.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to increase the existing pavement width from 24 feet to 27 feet along Lindbergh Avenue and Patton Street as they abut the property. In addition, the applicant has submitted a Preliminary Plat (File #11PL007) to replat the property into six lots. The lots are to be known as Lots A, B and C of Block 11 and Lots A, B and C of Block 22 of Mahoney Addition. The lots range in size from .167 acres to .176 acres.

On December 6, 2010, the City Council approved a Layout Plat (File #10PL079) to replat the property into six lots as shown on this Preliminary Plat.

The property is located east of Wood Avenue between Lindbergh Avenue and Patton Street. The property is currently void of any structural development.

STAFF REVIEW:

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

Lindbergh Avenue: Lindbergh Avenue 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. Lindbergh Avenue is currently located within a 60 foot wide right-of-way and constructed with a 24 foot wide paved surface, curb, gutter, sidewalk along the north side of the street, street light conduit, water and sewer. The applicant has submitted construction plans showing the installation of a sidewalk along the south side of the street. However, requiring that the pavement width of Lindbergh Avenue be widened from 24 feet to 27 feet as it abuts the property will result in a discontinuous street design. In the past, the Planning Commission and the City Council have supported similar Variance requests when the improvement would create a discontinuous street design. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

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widen Lindbergh Avenue 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.

Patton Street: Patton Street is located along the south 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. Patton Street is currently located within a varying right-of-way width from 33 feet to 51.5 feet. The Preliminary Plat identifies the dedication of 9.5 feet of additional right-of-way along Patton Street. Patton Street is currently constructed with a 24 foot wide paved surface, curb, gutter, sidewalk along the south side of the street, street light conduit, water and sewer. The applicant has submitted construction plans showing the installation of a sidewalk along the north side of the street. Similarly as noted above, requiring that the pavement width of Patton Street be widened from 24 feet to 27 feet as it abuts the property will result in a discontinuous street design. In the past, the Planning Commission and the City Council have supported similar Variance requests when the improvement would create a discontinuous street design. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to widen Patton 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 improvement.

Legal Notification Requirement: As of this writing, the white slips and green cards from the certified mailings have not been returned. Staff will notify the Planning Commission at the February 24, 2011 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquiries regarding this proposal.