

STAFF REPORT

April 7, 2011

No. 11SV005 - Variance to the Subdivision Regulations to waive the requirement to provide pavement, curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the right-of-way width from 110 feet to 100 feet as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 12

GENERAL INFORMATION:

APPLICANT	Frederick and Arlene White
PROPERTY OWNER	Frederick White
REQUEST	No. 11SV005 - Variance to the Subdivision Regulations to waive the requirement to provide pavement, curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the right-of-way width from 110 feet to 100 feet as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 7 and 8 of Block 2 of Green Valley Estates, located in the SE1/4 of Section 23, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 7R and Lot 8R of Block 2 of Green Valley Estates
PARCEL ACREAGE	Approximately 2.458 acres
LOCATION	5811 Green Tree 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	Private well and on-site wastewater system
DATE OF APPLICATION	3/11/2011
REVIEWED BY	Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide pavement, curb, gutter, sidewalk, street light conduit, water and sewer be approved with the following stipulation:

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1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the street improvements.

That the Variance to the Subdivision Regulations to reduce the right-of-way width from 110 feet to 100 feet be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide pavement, curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the right-of-way width from 110 feet to 100 feet along Green Tree Drive as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #11PL017) to replat the property moving the common lot line located between the two lots. The two lots are currently identified as Lots 7 and 8 of Block 2 of Green Valley Estates.

On June 15, 2009, the City Council approved a Layout Plat (File #09PL022) to consolidate the two lots into one lot.

The property is located at the northern terminus of Green Valley Drive. Currently, a single family residence is located across the common lot line between Lots 7 and 8. In addition, an accessory structure is located in the northern portion of Lot 8.

STAFF REVIEW:

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

Green Tree Drive: Green Tree Drive, a cul-de-sac street, is located along the east lot line of the property and serves as access to the site. Green Tree Drive is classified as a Lane Place Street requiring that it be located in 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 wide diameter right-of-way and constructed with a minimum 96 foot wide diameter paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Green Tree Drive is located within a 66 foot wide right-of-way and constructed with an approximate 24 foot wide paved. In addition, the cul-de-sac bulb is located within a 100 foot diameter right-of-way and constructed with an approximate 24 foot wide paved surface.

In the past, the Planning Commission and City Council have granted similar Variance requests when the proposed plat did not result in any increase in density and when the street improvement would create a discontinuous street section, as is the case with this Preliminary Plat. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement be approved.

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In consideration of platting the property as proposed, the additional five foot of right-of-way for the cul-de-sac bulb must be dedicated. Obtaining the right-of-way at the time of platting the adjacent lots will allow for the future construction of a turnaround without requiring that the tax payers purchase the right-of-way. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate the additional right-of-way be denied.

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 April 7, 2011 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquiries regarding this proposal.