

STAFF REPORT

December 4, 2003

No. 03SV045 - Variance to the Subdivision Regulations to waive the requirement to provide additional pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 26

GENERAL INFORMATION:

PETITIONER	D.C. Scott Co., Land Surveyors for Gary and Connie Janzen
REQUEST	No. 03SV045 - Variance to the Subdivision Regulations to waive the requirement to provide additional pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 6 and Lot 7 of Gilmore Subdivision and that portion of Lot 10 of Plateau Subdivision shown as a 30 foot private drive contiguous to and north of Lot 6 and Lot 7 of Gilmore Subdivision, located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 6R of Gilmore Subdivision, located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.44 acres
LOCATION	2517 Plateau Lane
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	11/07/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide additional pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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Engineering Division Recommendation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the pavement improvement along Plateau Lane as it abuts the subject property.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve the pavement width on Plateau Lane from 23 feet to 27 feet as per the Street Design Criteria Manual. In addition, the applicant has submitted a Preliminary and Final Plat to combine the subject property from three lots into one lot. (See companion item #03PL109.)

On October 20, 2003, the City Council approved a Layout Plat to combine the subject property into one lot. In addition, a Variance to the Subdivision Regulations was approved to waive the requirement to install curb, gutter and sidewalk with the stipulation that the applicant sign a waiver of right to protest any assessment project for the improvements. (See companion items #03PL095 and 03Sv037.)

The subject property is located in the southwest corner of the Plateau Lane/Albert Lane intersection. Currently, a single family residence, a detached garage and a shed are located on the property.

STAFF REVIEW:

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

Pavement Improvement: On October 9, 2003, the Planning Commission recommended approval of the previous Variance to the Subdivision Regulations to waive the requirement install curb, gutter and sidewalk along Plateau Lane. The Planning Commission noted that even though that portion of Plateau Street located directly south of the subject property has been improved to City Street Design Standards, the associated Layout Plat proposed to combine three existing lots into one lot resulting in a reduction of density. As such, the Planning Commission supported the Subdivision Regulations Variance request with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements along Plateau Lane as it abuts the subject property. On October 20, 2003, the City Council concurred with the Planning Commission and approved the Variance to the Subdivision Regulations request with the same stipulation.

Preliminary and Final Plat continues to show the combination of three lots into one lot. Due to the direction provided by the Planning Commission and the City Council on the previous Variance to the Subdivision Regulations request where the proposed plat resulted in a decrease in density, staff recommends approval of this Subdivision Regulations Variance request with the stipulation that the applicant sign a waiver of right to protest any future

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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 at the December 4, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.