

STAFF REPORT

March 4, 2004

No. 04SV006 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 17

GENERAL INFORMATION:

PETITIONER	Davis Engineering, Inc. for Stath Mantzeoros
REQUEST	No. 04SV006 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 2 of Buffalo Corral Subdivision located in the NE1/4 of the SE1/4, Section 28, T1N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot A of Lot 2 and Lot B of Lot 2 of Buffalo Corral Subdivision located in the NE1/4 of the SE1/4, Section 28, T1N, R9E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 22.24 acres
LOCATION	The southeast end of Rapid City Regional Airport runway
EXISTING ZONING	Limited Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	Limited Agriculture District (County)
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	02/06/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of

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- right to protest any future assessments for the improvements; and,
2. Prior to Preliminary Plat approval, the plat document shall be revised to show the dedication of an additional 17 feet of right-of-way along the section line highway and the dedication of a 76 foot wide right-of-way for the east-west collector street.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter street light conduit, water, sewer and pavement along Lonetree Drive, a section line highway and an east-west collector street. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into two lots sized 10.10 acres and 12.10 acres, respectively. In addition, (See companion item #04PL007.)

The property is located at the northern terminus of Lonetree Road. Currently, a residence and accessory structures are located on proposed Lot A of Lot 2 and two barns are located on proposed Lot B of Lot 2.

STAFF REVIEW:

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

Lonetree Road: Lonetree Road serves as legal access to the subject property. Lonetree Road is classified as a lane place street requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water sewer. Currently, Lonetree Road is located in a 44.5 foot wide right-of-way and constructed with an approximate 24 foot wide graveled surface. (The plat document identifies the dedication of an additional 4.5 feet of right-of-way.) Requiring the improvement of Lonetree Road as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Lonetree Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Section Line Highway: An unimproved section line highway is located along the east lot line of the subject property. The section line highway is identified as a minor arterial street on the City's Major Street Plan requiring a minimum 100 foot wide right-of-way with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Requiring the improvement of the section line highway as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along the section line highway be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement. In addition, the plat document must be revised to show the dedication of 17 additional feet of right-of-way.

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Collector Street: The City's Major Street Plan identifies an east-west collector street located through the southern half of proposed Lot B of Lot 2. The collector street requires a minimum 76 foot wide right-of-way with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Requiring the improvement of the section line highway as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements for the collector street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement. In addition, the plat document must be revised to show the dedication of the 76 foot wide right-of-way for the collector street.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 4, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.