

STAFF REPORT

March 25, 2004

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**No. 04SV013 - Variance to the Subdivision Regulations to waive the requirement to construct sidewalks on both sides of the street and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 21**

GENERAL INFORMATION:

PETITIONER	Ferber Engineering Co. for Calvary Lutheran Church
REQUEST	<b>No. 04SV013 - Variance to the Subdivision Regulations to waive the requirement to construct sidewalks on both sides of the street and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lots 1, 2, and 3 of the SE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Calvary Lutheran Church Subdivision and dedicated public right-of-way for Sunshine Trail and Sheridan Lake Road located in the SE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 17.0 acres
LOCATION	North of Catron Boulevard along Sheridan Lake Road
EXISTING ZONING	Low Density Residential District w/PRD
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	General Commercial District w/Planned Commercial Development
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	02/27/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to dedicate additional right-of-way be approved and that the Variance to the Subdivision Regulations to waive the

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requirement to construct sidewalks on both sides of the street and as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. That a sidewalk be provided along the south side of Sunshine Trail; and,
2. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvement.

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations to allow sidewalks along one side of the street and to reduce the right-of-way width for Sunshine Trail from 49 feet to 45 feet. In addition, the applicant has submitted a Layout and Preliminary Plat to combine three lots into two lots. The applicant has also submitted a Final Residential Development Plan to allow a church to be constructed on the subject property. (See companion items #04PD040 and 04PL019.)

On June 7, 1999, City Council approved a Planned Residential Development and a Layout Plat for the subject property to allow the construction of ten single family residences and 23 townhomes. Two separate Layout Plats were approved for the site on June 7, 1999 and November 6, 2000, respectively. However, two subsequent Preliminary and Final Plat(s) were denied without prejudice.

On September 25, 2003, the Planning Commission approved an Initial Residential Development Plan to allow a church and accessory use(s) on the subject property with 18 stipulations of approval. The applicant has revised the site plan submitted with the Initial Residential Development Plan eliminating a future school and retreat center previously proposed west of the church site. In addition, the site plan has been revised relocating the southern approach farther north along Sheridan Lake Road, providing an internal driveway connection along the west side of the church and providing a sidewalk along Sunshine Trail to serve as a pedestrian path.

The property is located approximately 230 feet north of the Catron Boulevard/Sheridan Lake Road intersection on the west side of Sheridan Lake Road. Currently, a single family residence is located on proposed Lot 1 and proposed Lot 2 is void of any structural development.

**STAFF REVIEW:**

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

Sidewalk: The construction plans identify a curb side sidewalk along the south side of Sunshine Trail. The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to construct a sidewalk along the north side of the street. The construction plans identify three 12 foot wide paved lanes along the first 100 feet of

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Sunshine Trail to provide adequate turning and stacking. The additional pavement limits the ability to provide sidewalk along both sides of the street within the right-of-way. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to construct a sidewalk on both sides of the street be approved with the stipulation that a sidewalk be provided along the south side of Sunshine Trail. In addition, staff is recommending that the applicant sign a waiver of right to protest any future assessment for the improvement.

Right-of-way: Sunshine Trail is located along the north lot line of the subject property and is classified as a lane place street requiring that the street be located in a minimum 49 foot wide right-of-way in order to provide on-street parking. The construction plans identify that Sunshine Trail will be located in a 45 foot wide right-of-way. The applicant has submitted a Final Residential Development Plan identifying that the adjacent property will be used as a church site. In addition, the site plan identifies that off-street parking will be provided for the proposed use. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 25, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.