

STAFF REPORT
May 27, 2004

No. 04SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 17

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting Inc. for Gordon Howie
REQUEST	No. 04SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 7 and Lot 8, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 7R and Lot 8R, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.17 acres
LOCATION	Along Holy Cow Ranch Road
EXISTING ZONING	Low Density Residential District (County)
SURROUNDING ZONING	
North:	Low Density Residential District (County)
South:	General Agriculture District (County)
East:	Low Density Residential District (County)
West:	Low Density Residential District (County)
PUBLIC UTILITIES	Private on-site wastewater and community water
DATE OF APPLICATION	04/16/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

RECOMMENDATION:

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

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

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer and pavement along Holy Cow Ranch Road as it abuts the subject property. In addition, the applicant has submitted a Preliminary Plat to reconfigure the subject property into two residential lots. (See companion item #04PL055.)

The subject property is located at the eastern terminus of Holy Cow Ranch Road. Currently, two single family residences are located on Lot 8. The applicant has indicated that the second residence was to be located on Lot 7 but an error was made in identifying the common lot line between the properties and, as such, the applicant is proposing to replat the property as identified.

STAFF REVIEW:

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

Holy Cow Ranch Road: Holy Cow Ranch Road 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 and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Holy Cow Ranch Road is located in a 50 foot wide right-of-way with an approximate 24 foot wide graveled surface and a community water main line. Requiring the improvement of Holy cow Ranch Road as it abuts the subject property will result in a discontinuous street section. The Planning Commission and the City Council have granted similar Variance requests when the proposed plat does not increase the existing density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Holy Cow Ranch Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 27, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.