

STAFF REPORT
October 21, 2004

No. 04SV056 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit and to improve pavement along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 19

GENERAL INFORMATION:

PETITIONER

Sperlich Consulting, Inc. for Gordon Howie

REQUEST

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EXISTING
LEGAL DESCRIPTION

A portion of Tract T of Trailwood Village, located in the E1/2 of the SE1/4, Section 10, T1N, R8E, B.H.M., Pennington County, South Dakota; more fully described as follows: Commencing at the southeasterly corner of Lot A of Block 13 of Trailwood Village, common to the southwesterly corner of the right-of-way of Reservoir Road adjacent to said Block 13, and the Point of Beginning; thence, first course: S89 55'36"E, along the southerly boundary of the previously dedicated right-of-way of Reservoir Road adjacent to said Block 13, a distance of 17.58 feet, to the southeasterly corner of the previously dedicated right-of-way of Reservoir Road adjacent to said Block 13, common to a point on the easterly boundary of Tract T of Trailwood Village; thence, second course: S00 05'47"W, along the westerly edge of the right-of-way of said Reservoir Road, common with the easterly boundary of said Tract T, a distance of 312.20 feet, to the northeasterly corner of the previously dedicated right-of-way of Reservoir Road adjacent to Block 18 of Trailwood Village, common to a point on the easterly boundary of said Tract T; thence, third course: N89 55'36"W, along the northerly edge of the previously dedicated right-of-way of Reservoir Road adjacent to said Block 18, a distance of 17.45 feet to the northeasterly corner of Lot 5 of Block 18 of Trailwood Village, common to the northwesterly corner of the previously dedicated right-of-way of Reservoir Road adjacent to said Block 18; thence, fourth course: N75 20'08"W, along the northerly boundary of said Lot 5 of Block 18, a distance of 187.05 feet, to the northwesterly corner of said Lot 5 of Block 18, common to the northeasterly corner of the previously dedicated right-of-way of the Savannah Street in Block 18 of Trailwood

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Village; thence, fifth course: N73 37'43"W, along the northerly edge of the previously dedicate right-of-way of said Savannah Street, a distance of 52.00 feet, to the northwesterly corner of the previously dedicate right-of-way of said Savannah Street, common to the northeasterly corner of Lot 1 of Block 19 of Trailwood Village; thence, sixth course: N73 37'43"W, along the northerly boundary of said Lot 1 of Block 19, a distance of 110.00 feet, to the northwesterly corner of said Lot 1 of Block 19, common to a point on the easterly boundary of Lot 2 of Block 19 of Trailwood Village; thence, seventh course: N16 22'17"E, along the easterly boundary of said Lot 2 of Block 19, a distance of 100.00 feet, to the northeasterly corner of said Lot 2 of Block 19; thence, eighth course: N56 46'36"W, along the northerly boundary of said Lot 2 of Block 19, a distance of 10.34 feet, to a point on the northerly boundary of said Lot 2 of Block 19; thence, ninth course: N58 23'12"E, a distance of 129.245 feet; thence, tenth course: N49 39'12"E, a distance of 52.00 feet; thence, eleventh course: southeasterly, curving to the right on a curve with a radius of 126.00 feet, a delta angle of 09 57'12", an arc length of 21.88 feet, a chord bearing of S35 22'12"E, and chord distance of 21.86 feet; thence, twelfth course: N59 36'24"E, a distance of 136.53 feet, to a point on the southerly boundary of said Lot A of Block 13; thence, thirteenth course: S46 37'26"E, along the southerly boundary of said Lot A of Block 13, a distance of 51.09 feet, to the southeasterly corner of said Lot A of Block 13, common to the southwesterly corner of the right-of-way of Reservoir Road adjacent to said Block 13, and the Point of Beginning

PROPOSED
LEGAL DESCRIPTION

Lots 6 thru 8 of Block 18, and Lots 12 and 13 of Block 19, Trailwood Village, located in the E1/2 of SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota

PARCEL ACREAGE

Approximately 1.870 acres

LOCATION

The extension of Savannah Street north of Williams Street

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EXISTING ZONING	Planned Unit Development (County)
SURROUNDING ZONING	
North:	Planned Unit Development (County)
South:	Planned Unit Development (County)
East:	Suburban Residential District (County)
West:	Planned Unit Development (County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	09/07/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

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

1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk and street light conduit.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and to improve pavement along Reservoir Road as it abuts the subject property. On October 7, 2004, the Planning Commission approved a Preliminary Plat to subdivide the subject property into five residential lots as a part of the Trailwood Village Subdivision. The Preliminary Plat will be considered at the October 18, 2004 City Council meeting.

The property is located at the northern terminus of Savannah Street and is currently void of any structural development.

STAFF REVIEW:

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

Reservoir Road: Reservoir Road is located along the east lot line and is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way. In addition, it is the responsibility of the developer to construct an arterial street to a collector street standards with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Reservoir Road is located in a 66 foot wide right-of-way and constructed with a 24 foot wide paved surface, water and sewer. The Preliminary Plat identifies the dedication of an additional 17 foot wide right-of-way for

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Reservoir Road. Requiring the improvement of Reservoir 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 requirement to improve the street would result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Reservoir 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 as of this writing. Staff will notify the Planning Commission at the October 21, 2004 Planning Commission meeting if this requirement is not met.