

STAFF REPORT
November 24, 2004

No. 04SV065 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Hall Street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 32

GENERAL INFORMATION:

PETITIONER	Rhonda F. Haskell
REQUEST	No. 04SV065 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Hall Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	W1/2 of Lot 38 and all of Lots 39 through 41 in Block 6 of Hall Subdivision located in Government Lot 3 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 40R and 41R in Block 6 of Hall Subdivision located in Government Lot 3 of Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.44 acres
LOCATION	4030 Hall Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/26/2004
REVIEWED BY	Renee Catron-Blair / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Hall Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter and sidewalk along Hall Street.

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Hall Street as it abuts the subject property. The applicant has also submitted a Layout Plat to subdivide 0.44 acres into two lots: Lot 40R and 41R. (See companion item #04PL158.)

The subject property is located along Hall Street. Currently, there is a single family residence located on proposed Lot 40R and there is no existing development on proposed Lot 41R.

STAFF REVIEW:

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

Hall Street: Hall Street is located along the south lot line and is classified as a subcollector street on the City's Major Street Plan requiring that it be located in a minimum 52 foot wide right-of-way. Currently, Hall Street is constructed with a 60 foot wide right-of-way with an approximate 20 foot wide paved surface, street light conduit, water and sewer. The north side of the street has sidewalk, curb and gutter to the east lot line of the subject property before ending. The south side of the street has no sidewalk, curb and gutter. Staff recommends prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval showing the street constructed with curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Hall Street 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 November 24, 2004 Planning Commission meeting if this requirement is not met.