

STAFF REPORT
November 24, 2004

No. 04SV067 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 34

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Lifestyle Homes
REQUEST	No. 04SV067 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk along Reservoir Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 5 of Block 18, Trailwood Village located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 5A and 5B of Block 18 of Trailwood Village (formally Lot 5 of Block 18, Trailwood Village) located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.427 acres
LOCATION	On Savannah Street and abutting Reservoir Road
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Planned Unit Development (Pennington County)
South:	Planned Unit Development (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	10/29/2004
REVIEWED BY	Renee Catron-Blair / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and planting screen along Reservoir Road 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 Reservoir Road.

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and planting screen along Reservoir Road as it abuts the subject property. On April 19, 2004, the City Council approved a Layout, Preliminary and Final Plat (#03PL042) to subdivide the subject property into 24 residential lots and one drainage lot as a part of the Trailwood Village Planned Unit Development within Pennington County zoning requiring a minimum lot size of 6,500 square feet which this meets. The applicant has also submitted a Preliminary Plat to subdivide approximately 0.427 acres into two townhome lots. (See companion item #04PL159.)

The subject property is located northwest of Reservoir Road along Savannah Street. Currently, there are two townhouse structures located on the property.

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 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 with water and sewer. Reservoir Road is constructed without curb, gutter, sidewalk and street light conduit. The previous plat document (#03PL042) identified the dedication of an additional 17 foot wide right-of-way for Reservoir Road as it abuts the subject property. The balance of the required right-of-way will be obtained from the adjacent property in the future. 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. It should be noted that street light conduit is required to install along Reservoir Road. The applicant may wish to submit a Variance to the Subdivision Regulations to waive this requirement.

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.