

STAFF REPORT
December 9, 2004

No. 04SV071 - Variance to the Subdivision Regulation to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per chapter 16.16 of the Rapid City Municipal Code

ITEM 20

GENERAL INFORMATION:

PETITIONER	Patrick Hall for Donald Shultz, Frankie Shultz, Barbara Butler, Thomas Foye
REQUEST	No. 04SV071 - Variance to the Subdivision Regulation to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	unplatted prtion of NW1/4 NE1/4 of Tract B of Meadow View Subdivision Section 26, T1N, R7E
PROPOSED LEGAL DESCRIPTION	Unplatted portion of NW1/4 Ne 1/4 of Tract B of Meadow View Subdivision Section 26, T1N, R7E
PARCEL ACREAGE	approximately 19.44 acres
LOCATION	approximately 200 feet northeast of the Wellington Drive and Catron Boulevard intersection on the northwest side of Catron Boulevard
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential District w/Planned Residential Development
South:	General Agriculture District
East:	Low Density Residential District w/Planned Residential Development
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/12/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulation to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard as per

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chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard as it abuts the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into a 5.6 acre lot leaving a 13.84 acre non-transferable unplatted balance. The proposed 5.6 acre lot is located north of Catron Boulevard and the 13.84 acre unplatted balance is located south of Catron Boulevard. (See companion item #04PL174.)

On June 1, 1998, the City Council approved a Preliminary Plat to create a 5.6 acre lot as shown on this Preliminary Plat document. However, the applicant did not submit a Final Plat application for the proposed lot. As two years has elapsed since City Council approved the Preliminary Plat, the plat has expired. As such, the applicant has subsequently submitted this Preliminary Plat application.

The property is located directly east of the Wellington Heights Subdivision 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:

Catron Boulevard: Catron Boulevard is located along the south lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan. A principal arterial street must be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Catron Boulevard is located in a 150 foot wide right-of-way and constructed with a 40 foot wide paved surface as it abuts the subject property. To date, curb, gutter, sidewalk, and street light conduit have not been constructed along Catron Boulevard. As such, requiring the improvements at this time would create a discontinuous street section.

However, a 12 inch water and a 12 inch sewer main are currently located in Catron Boulevard but terminate at the southwest corner of the proposed lot. The South Dakota Department of Transportation has identified that Catron Boulevard will be reconstructed in the fiscal year of 2009. In addition, the City is working with the South Dakota Department of Transportation to extend City sewer and water as a part of that project. The South Dakota Department of Transportation has also indicated that during the reconstruction of Catron Boulevard, a temporary construction permit will be requested from this property owner to

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allow grading along the front of the subject property. The City Public Works Division has also indicated that a master utility plan has not been completed for the extension of the water and sewer mains in order to determine the actual elevation of the mains and the final design of the project. As such, staff is recommending that a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water and sewer be approved contingent upon the applicant shall sign a Waiver of Right to Protest any future assessments for the improvements.

It should also be noted that the South Robbinsdale Neighborhood Area Future Land Use Plan identifies the appropriate use of the property as a Planned Residential Development with a maximum density of one dwelling unit per acre. As such, the Planned Residential Development may serve as an additional form of surety for the improvements upon such time as any future development of the property is proposed.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the December 9, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.