

STAFF REPORT
March 10, 2005

No. 05SV018 - Variance to the Subdivision Regulations to allow a lot twice as long as it is wide and to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to dedicate additional right-of-way for Elm Avenue as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Kensington Heights, LLC
REQUEST	No. 05SV018 - Variance to the Subdivision Regulations to allow a lot twice as long as it is wide and to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to dedicate additional right-of-way for Elm Avenue as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The E1/2 of the S1/2 of "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 18 through 21 of Block 1, Lots 6 through 19 of Block 3, and Lots 1 through 10 of Block 4, Kensington Heights Subdivision located in "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10 Acres
LOCATION	West of Elm Avenue and Enchanted Pines Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential II District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/11/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be approved;

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That the Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet for that portion of Elm Avenue located north of Enchanted Pines Drive be approved with the following stipulation:

1. A ten foot wide utility and pedestrian access easement shall be provided along the subject property as it abuts this section of Elm Avenue; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Elm Avenue as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to dedicate additional right-of-way for a portion of Elm Avenue as it abuts the subject property. In addition, the applicant has submitted a Layout Plat to subdivide a ten acre parcel into 28 residential lots leaving an approximate four acre non-transferable balance. The proposed development is known as Phase Three of Kensington Heights Subdivision. (See companion item #05PL032.)

The property is located at the southern terminus of Field View Drive on the west side of the future right-of-way for Elm Avenue. Currently, a single family residence and a pole barn are located on the four acre non-transferable balance. The applicant should be aware that the four acre parcel must be platted prior to transfer of ownership of the parcel.

STAFF REVIEW:

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

Lot Configuration: The Subdivision Regulations states that "...for lots in residential districts having a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width". The proposed Layout Plat identifies that ten lots have a length twice the distance of the width.

The ten lots are located along the terminus of three cul-de-sac streets. Due to the design of the cul-de-sac streets, there is limited lot frontage along the roadway. The subdivision design as shown on this plat is reasonable for the site. In addition, the lot configuration does not create any significant difficulties for use or maintenance. As such, staff is recommending that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be approved.

Elm Avenue: Elm Avenue has been identified as a minor arterial street on the City's Major

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Street Plan since 2000. A minor 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. An adjacent property owner previously submitted meeting notes taken on December 2, 2002 with City Staff regarding property located directly north of the subject property. At the meeting, Randy Nelson with the City's Engineering Division indicated that he would support dedicating an 80 foot wide right-of-way for Elm Avenue between Minnesota Street and Enchanted Pines Drive with the stipulation that a ten foot wide pedestrian access and utility easement be dedicated along this portion of Elm Avenue.

The existing Elm Avenue right-of-way located north of the subject property is currently 80 feet wide and, as noted, staff previously indicated support of allowing an 80 foot wide right-of-way on property located directly north of the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be granted with the stipulation that the plat document be revised to show a ten foot wide pedestrian access and utility easement along that portion Elm Avenue located north of Enchanted Pines Drive. Waiving the requirement to dedicate additional right-of-way along Elm Avenue should in no way establish a precedence to waive the requirement to dedicate additional right-of-way along other streets in the City's platting jurisdiction.

Staff has noted that the location of Elm Avenue right-of-way as shown on this plat is in compliance with the location of the street as shown on the Major Street Plan. As a part of this plat review and approval, the east half of the Elm Avenue right-of-way must be dedicated either as an "H" Lot, on a separate plat document or included on this plat document. In addition, Elm Avenue must be constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer.

This request raises significant questions regarding the coordination of improvements for roads that border multiple properties. The Planning Commission and City Council have only waived the requirement to improve the adjacent street in extremely rare instances. In the one instance the staff could identify, the requirement was waived for a section line highway where the adjacent property owner indicated that they did not want to develop their property. Subsequently, the section line highway was vacated resolving the issue.

To date, the east half of the Elm Avenue right-of-way located on the adjacent property has not been dedicated. As such, the applicant may either: 1) coordinate the dedication of right-of-way with the adjacent property owner; or, 2) a revised Preliminary Plat for the subject property may be submitted for review showing all of the dedication of the Elm Avenue right-of-way from the applicant's property as required. However, it should be noted that Layout Plats have been approved for the area to the south showing Elm Avenue as currently proposed. Relocating Elm Avenue onto the subject property would be in conflict with the previously approved Layout Plats. As such, staff is recommending that the applicant

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coordinate the dedication of the Elm Avenue right-of-way with the adjacent property owner.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 10, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.