

STAFF REPORT
October 27, 2005

No. 05SV021 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 35

GENERAL INFORMATION:

PETITIONER	D.C. Scott Co. Land Surveyors for Wayne Householder
REQUEST	No. 05SV021 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.27 acres
LOCATION	At the intersection of Anderson Road and Dunn Road
EXISTING ZONING	Low Density Residential (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	None
DATE OF APPLICATION	2/25/2005
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per 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 assessment for the curb, gutter, sidewalk, street light conduit, sewer and water

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along Anderson Road and Dunn Road.

GENERAL COMMENTS: (October 21, 2005 Update) This request was continued at the September 8, 2005 Planning Commission meeting to allow the applicant to complete all of the necessary requirements to allow the Planning Commission to consider the related Preliminary Plat. Those items have now been completed and the staff is recommending approval of the Preliminary Plat allowing action to proceed on the Variance to the Subdivision Regulations. Staff is recommending approval of the Subdivision Variances with the stipulation that the applicant enter into an agreement with the City to waive his right to protest an assessment. (No other portion of this report has been updated.)

(September 2, 2005 Update) As of this writing, the revised information required for the plat request has not been received. No new information has been submitted since June 6, 2005. Staff is recommending that this item be denied without prejudice to allow the applicant to submit the additional plat information at a future date.

(July 26, 2005 Update) This item was continued at the July 7, 2005, Planning Commission meeting to allow this item to be acted upon at the same time as the associated Preliminary Plat request. However, as of this writing, the applicant has not submitted the required additional information for the plat. As such, staff recommends that this request be continued to the September 8, 2005 Planning Commission meeting.

(June 28, 2005 Update) This item was continued at the June 9, 2005, Planning Commission meeting to allow this item to be acted upon at the same time as the associated Preliminary Plat request. However, as of this writing, the applicant has not submitted a revised plat or any additional information.

On June 6, 2005 the applicant submitted a revised plat addressing several of the revisions needed on the plat. However, there are still several outstanding items that must be addressed. As such, staff is recommending that the Preliminary Plat be continued to the August 4, 2005 Planning Commission meeting to allow time for the applicant to make the necessary plat revisions and to provide the required additional information. As such, staff is recommending that this item be continued to the August 4, 2005 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(May 31, 2005 Update) This item was continued at the May 5, 2005, Planning Commission meeting to allow this item to be acted upon at the same time as the associated Preliminary Plat request. However, as of this writing, the applicant has not submitted a revised plat or any additional information.

(April 25, 2005 Update) This item was continued at the April 21, 2005, Planning Commission meeting to allow this item to be acted upon at the same time as the associated Preliminary Plat request. On April 25, 2005, the applicant indicated that they are in the

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process of making the necessary revisions and adding the additional required information to the plat application. However, as of this writing, the applicant has not submitted a revised plat or any additional information.

(April 11, 2005 Update) This item was continued at the April 7, 2005 Planning Commission meeting to allow this item to be acted upon at the same time as the associated Preliminary Plat request.

On April 6, 2005, staff met with the applicant to discuss the necessary plat revisions and the additional information needed. As of this writing, the applicant has not submitted a revised plat or the additional required information for the associated Preliminary Plat request.

(This Staff Report was revised on March 29, 2005. All revised and/or added text is shown in bold text.) This item was continued at the March 24, 2005 Planning Commission meeting to allow this item to be acted upon at the same time as the associated Preliminary Plat request. As of this writing, the applicant has not submitted a revised plat or any additional information for the associated Preliminary Plat request.

The subject property is located at the northeast corner of Dunn Road and Anderson Road. The subject property is located outside of the City of Rapid City Limits; however, it is located within the three-mile platting jurisdiction. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Anderson Road and Dunn Road. In addition, the applicant has also submitted a Preliminary Plat (05PL041) to create a 3.268-acre parcel leaving the remaining land as an unplatted non-transferable balance.

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

Anderson Road: Anderson Road is classified as a collector street on the City's Major Street Plan requiring that the street be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. The submitted plat shows Anderson Road to have a 66-foot wide right-of-way. Anderson Road is currently paved to a width of 20 feet. Staff noted that curb, gutter, sidewalk, street light conduit, water and sewer are not currently located along Anderson Road.

The Planning Commission and City Council have previously supported and approved variances to waive the requirements to install additional pavement, curb, gutter, sidewalk, street light conduit, water and sewer when the density of development is not being increased. In this situation, there are no additional lots being created and the density of development is not increasing. Based on the Planning Commission and City Council's previous action, staff recommends approval of the request to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit, water and sewer

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along Anderson Road as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Dunn Road: Dunn Road is classified as a collector street on the City's Major Street Plan requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. The submitted plat shows Dunn Road to have a 52-foot wide right-of-way. Anderson Road is currently paved to a width of 20 feet. Staff noted that curb, gutter, sidewalk, street light conduit, water and sewer are not currently located along Dunn Road.

The Planning Commission and City Council have previously supported and approved variances to waive the requirements to install additional pavement, curb, gutter, sidewalk, street light conduit, water and sewer when the density of development is not being increased. In this situation, there are no additional lots being created and the density of development is not increasing. Based on the Planning Commission and City Council's previous action, staff recommends approval of the request to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Dunn Road as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Staff recommends that the Variance to the Subdivision Regulations be denied without prejudice as the required information was not submitted by August 12, 2005 and has still not been submitted.

If the required information is not submitted by the August 12, 2005 submittal deadline, staff will recommend that the Preliminary Plat request be denied without prejudice at the September 8, 2005 Planning Commission meeting.