

STAFF REPORT
January 5, 2006

No. 05SV085 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Crane Drive and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate Right-of-Way along the private access easement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	D.C. Scott Co. Land Surveyors for Leslie P. and Sharon L. Potts
REQUEST	No. 05SV085 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Crane Drive and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate Right-of-Way along the private access easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Lot 9 of Pleasant View Subdivision, located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .98 acres
LOCATION	3020 Crane Drive
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Private
DATE OF APPLICATION	12/9/2005
REVIEWED BY	Mike Maxwell / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and additional pavement width

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along Crane Drive 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 improvements.

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit, water and sewer along the Private Access Easement be approved:

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along the private access easement be denied.

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional pavement along the private access easement be denied.

GENERAL COMMENTS: The applicant has submitted a request for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement width along Crane Drive and to waive the requirements to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement and to dedicate right-of-way along the private access easement.

This Subdivision Variance has been submitted in conjunction with a request by the applicant for a Preliminary Plat approval to combine two lots into one single lot. The proposed plat will create a .98 acre lot. (See companion item #05PL243).

The property is located east of Crane Drive in the Pleasant View Subdivision. Currently there are no structures on the properties.

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

Crane Drive: Crane Drive is located along the western lot line and is classified as a lane/place requiring that the street be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Crane Drive is located in a 50 foot wide right-of-way and constructed with an approximate 20 foot wide paved surface. To require the improvements on Crane Drive would create a discontinuous road section. Staff is recommending that the Variance to the Subdivision Regulations to waive the improvements as requested be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for the improvements.

Access Easement: The Preliminary Plat identifies an access easement along the north lot line

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of the subject property. The access easement provides access to 10 properties. Currently, the access easement is constructed in a 25 foot easement and constructed with an approximate 12 foot wide graveled surface. The access easement is classified as a lane/place street requiring that it be constructed in a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. As previously indicated the Preliminary Plat identifies the combination of two existing lots into one, reducing the density. In the past, a Variance to the Subdivision Regulations has been approved by the Planning Commission and City Council when the associated plat results in a reduction in density. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the private access easement be approved. However, requiring the access easement be paved as it abuts the subject property will result in an extension of pavement from Crane Drive to the east line of the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to not dedicate additional pavement along the private access easement be denied.

Right-of-Way: Staff has noted that an additional 12 feet of right-of-way along the private access easement as it abuts the proposed property must be dedicated. The Planning Commission and the City Council have typically required that the right-of-way be dedicated in consideration of granting the Variance to the Subdivision Regulations. In addition obtaining the right-of-way at the time of platting eliminates any burden on the tax payers to obtain the right-of-way at a later date. As such, Staff recommends that the request to not dedicate addition right-of way be denied.

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 January 5, 2006 Planning Commission meeting if this requirement is not met.