

STAFF REPORT

July 27, 2006

No. 06SV037 - Variance to the Subdivision Regulations to reduce the Right-of-Way width from 45 feet to 20 feet; and 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

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06SV037 - Variance to the Subdivision Regulations to reduce the Right-of-Way width from 45 feet to 20 feet; and 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	Lot 6, Block 19, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 6, Block 19, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .48 acres
LOCATION	6901 Ainsdale Court
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District (Planned Residential Development)
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/25/2006
REVIEWED BY	Vicki L. Fisher / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the Right-of-way

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width from 45 feet to 20 feet; and 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 be **approved with the following stipulation:**

1. **Prior to City Council approval, a utility easement shall be recorded at the Register of Deed's Office for the sewer service line on the golf course property located along the rear of the subject property**

GENERAL COMMENTS:

(Update, July 15, 2006. All revised and/or added text is shown in bold print.) This item was continued at the July 6, 2006 Planning Commission meeting to allow the applicant to submit additional drainage information. The applicant has subsequently submitted the information.

(Update, June 28, 2006. All revised and/or added text is shown in bold print.) This item was continued at the June 22, 2006 Planning Commission meeting to allow the applicant to submit additional information. The applicant subsequently submitted a cross section design showing the installation of water service lines within the proposed access easement and the installation of sewer lines from a sewer main located along the rear of the lot. (Please note that a utility easement must be recorded for that portion of the sewer service lines located across the golf course property outside of any existing utility easement.) On June 26, 2006, staff met with the applicant to discuss the design of the water service line(s). In addition, it was identified that additional drainage information must be submitted for review and approval demonstrating that drainage flows are being accommodated within the design of the street or curb and gutter along the street must be provided. To date, sufficient drainage information has not been submitted demonstrating that drainage flows will not impact the adjacent property. As such, staff is recommending that this item be continued to the July 27, 2006 Planning Commission meeting to allow the applicant to submit the information. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Variance to the Subdivision Regulations to reduce the right-of-way width from 45 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along a proposed access easement.

On May 25, 2006, the applicant approved an Initial and Final Residential Development Plan to allow two townhomes to be constructed on the subject property. In addition, an Exception was granted to reduce the lot frontage abutting a public street from 25 feet to 20 feet. (See associated file #06PL027.)

The property is located at the northern terminus of Ainsdale Court and is currently void of any structural development.

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STAFF REVIEW:

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

Street Improvements: As noted above, the applicant has submitted a cross section design showing the installation of water service lines within the proposed access easement and the installation of sewer lines from a sewer main located along the rear of the lot. In addition, the applicant has submitted drainage information identifying that the grade and slope of the street will accommodate flows. As such, staff is recommending that the Variance to the Subdivision Regulations to waive curb and gutter be approved. In addition, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer mains be approved with the stipulation that prior to City Council approval, a utility easement be recorded at Register of Deed's Office for the sewer service line located on the golf course property along the rear of the subject property.

The street construction plans for Ainsdale Court also identify that a sidewalk will be provided along the cul-de-sac street and that street light conduit is being provided at the end of the street as required. As such, a pedestrian walkway and street light conduit are being provided along the southern portion of the subject property. Staff has also noted that the access easement will function as a common driveway for the two townhomes to be constructed on the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and street light conduit be approved.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the **July 27, 2006 Planning Commission** meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.