

STAFF REPORT
August 10, 2006

No. 06SV045 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer; and to waive the requirement to provide a screen planting easement as per Chapter 16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

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| PETITIONER | D. C. Scott Surveyors, Inc. for Doug Pokorney |
| REQUEST | No. 06SV045 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer; and to waive the requirement to provide a planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code |
| EXISTING LEGAL DESCRIPTION | Block 55 of the amended Plat of Mahoney Addition, less the south 8.5 feet thereof, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots A and B, Block 55 of the amended Plat of Mahoney Addition, located in the SW1/4 SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 0.53 acres |
| LOCATION | 222 Doolittle Street |
| EXISTING ZONING | Low Density Residential District |
| SURROUNDING ZONING | |
| North: | Low Density Residential District |
| South: | Low Density Residential District |
| East: | Low Density Residential District |
| West: | Low Density Residential District |
| PUBLIC UTILITIES | City water and sewer |
| DATE OF APPLICATION | 6/30/2006 |
| REVIEWED BY | Travis Tegethoff / Emily Fisher |

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

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install pavement and sewer as per Chapter 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 improvements;

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and water; and to waive the requirement to provide a screen planting easement as per Chapter 16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer; and to waive the requirement to provide a screen planting easement as per Chapter 16 of the Rapid City Municipal Code along the subject property. In addition, the applicant has submitted a Preliminary Plat to create two lots approximately .263 acres in size (See associated item 06PL109).

On June 19, 2006, City Council approved with stipulations a Layout Plat (06PL060) for the subject property.

The subject property is located north of Doolittle Street between Wood Avenue and Midway Street. The subject property is currently void of structural development.

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

Doolittle Street: Doolittle Street is located along the southern lot line of the subject property and is classified as a sub-collector street requiring a minimum 52 foot right-of-way and constructed with a 27 foot paved surface. Currently, Doolittle Street is an approximate 24 foot wide paved surface with curb, gutter, sidewalk, streetlight conduit, and water. Requiring the construction of additional pavement as it abuts the subject property will result in a discontinuous street section. Existing sewer is adjacent to approximately seventy percent of the subject property and all adjacent properties are currently served by City sewer. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install pavement and sewer be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. Staff is also recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, and water be denied since these improvements are already in place.

Screen Planting: Staff noted that Section 16.12.030 (E) states that a subdivision which abut, or include within the proposed area to be subdivided, any highway or arterial street, shall

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provide reverse frontage with screen planting contained in a non-access reservation along the rear property line. Since Doolittle Street is classified as sub-collector and not a highway or arterial street no screen planting easement is required. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement provide a screen planting easement be denied.

Legal Notification Requirement: This item was continued at the July 27, 2006 Planning Commission Meeting to the August 10, 2006 Planning Commission Meeting since the certified mailing had not been returned. The receipts from the certified mailings have now been returned. Staff has received one inquiry regarding this proposal with no objections.