

STAFF REPORT

March 8, 2007

No. 07SV009 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement on Dawn Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement on School Drive 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 Floyd and Carla Jakeway
REQUEST	No. 07SV009 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement on Dawn Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement on School Drive as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 4 of Block 5, and Lot B of Lot 6 of Block 2 of the Replat of Harney Peak View Addition, located in the E1/2 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 4R of Block 5 of the replat of Harney Peak View Addition, located in the E1/2 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.094 acres
LOCATION	3712 Dawn Lane
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	Rapid Valley Sanitary District
DATE OF APPLICATION	2/9/2007

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REVIEWED BY

Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and additional pavement along School 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 assessments for the improvements.

That the Variance to the Subdivision Regulations to waive the requirement to install sewer and water along School Drive be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and additional pavement along Dawn Lane be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

That the Variance to the Subdivision Regulations to waive the requirement to install water along Dawn Lane be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Dawn Lane be denied without prejudice.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement along Dawn Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement along School Drive. In addition, the applicant has submitted a Preliminary Plat application (07SV009) to combine the subject property, two existing residential lots, into one 1.095 acre residential lot.

The property is located west of Dawn Lane and east of School Drive. Currently, a single family residence and a shed are located on the subject property. The applicant has indicated that the two lots are being combined in order to construct a garage on the property.

STAFF REVIEW:

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

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considerations:

Dawn Lane: Dawn Lane is located along the east lot line of the subject property and is classified as a lane place street requiring that the street be located in a minimum 49 foot wide right-of-way and constructed with a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Dawn Lane is located in a 40 foot wide right-of-way. In addition, the northern 155 feet of Dawn Lane as it abuts the subject property is constructed with an approximate 22 foot wide paved surface and a water main. The balance of the Dawn Lane is constructed with an approximate 20 foot wide graveled surface and a water main. Requiring that Dawn Lane be improved with curb, gutter, sidewalk, street light conduit, additional pavement and sewer as it abuts the subject property will create a discontinuous street design. In the past, the Planning Commission and the City Council have granted similar requests when the density is being reduced as proposed with the associated Preliminary Plat and when the improvement would create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivisions to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and additional pavement be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

A water main is currently constructed along Dawn Lane. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install a water main along Dawn Lane be denied without prejudice.

Dawn Lane is located in a 40 foot wide right-of-way in lieu of a minimum 49 foot wide right-of-way as required by the Street Design Criteria Manual. As such, the plat document must be revised to dedicate an additional 4.5 feet of right-of-way from the subject property. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement citing that the dedication of the additional right-of-way will require that a Variance be obtained from the Pennington County Zoning Board of Adjustment to reduce the front yard setback from 25 feet to 20.5 feet. However, staff finds that a greater public interest will be served by dedicating the additional right-of-way for any future street improvements that may be needed. Someday the existing house may be gone from the property but the need to provide adequate street access to this area will remain. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the additional right-of-way along Dawn Lane be denied without prejudice.

School Drive: School Drive is located along the west lot line of the subject property and is classified as a sub-collector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, School Drive is located in a 66 foot wide right-of-way and constructed with an approximate 22 foot wide paved surface, sewer and

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water. Requiring that School Drive be improved with curb, gutter, sidewalk, street light conduit and additional pavement as it abuts the subject property will create a discontinuous street design. In the past, the Planning Commission and the City Council have granted similar requests when the density is being reduced as proposed with the associated Preliminary Plat and when the improvement would create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivisions to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

A sewer main and a water main are currently constructed along School Drive. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install a sewer main and a water main along School Drive be denied without prejudice.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 8, 2007 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.