

STAFF REPORT
August 23, 2007

No. 07SV043 - Variance to the Subdivision Regulations to allow platting half of a Right-of-Way as per Chapter 16 of the Rapid City Municipal Code

ITEM 26

GENERAL INFORMATION:

APPLICANT	Land and Marine Development, Inc.
AGENT	Britton Engineering
PROPERTY OWNER	Land and Marine Development, Inc.
REQUEST	No. 07SV043 - Variance to the Subdivision Regulations to allow platting half of a Right-of-Way as per Chapter 16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The N1/2 NE1/2 SE1/4 of Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Bunker Drive Right-of-way of the Rockinon Ranch Estates, located in the N1/2 NE1/2 SE1/4 of Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .357 acres
LOCATION	3211 Bunker Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development) - Park Forest District (Planned Residential Development)
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/30/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow platting half of a Right-of-Way as per Chapter 16 of the Rapid City Municipal Code be approved.

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to allow platting half a right-of-way along Bunker Drive. In addition, the applicant has submitted a Preliminary Plat (#07PL097) to create seven residential lots as Phase Two of Rockinon Ranch Estates. The Preliminary Plat was approved with stipulations by the Planning Commission on August 9, 2007 and will be considered by the City Council on August 20, 2007.

On December 5, 2005, the City Council approved a Layout Plat (#05PL203) for Rockinon Ranch Estates to subdivide 20 acres into 61 residential lots and a drainage lot, which included the subject property. In addition, the City Council approved a Petition for Annexation (#05AN013) to annex approximately 60 acres, which also included the subject property.

On May 1, 2006, the City Council approved a Preliminary Plat (#06PL036) to create 29 residential lots as Phase One of Rockinon Ranch Estates.

On January 24, 2007, a Final Plat (#07PL007) was approved for Rockinon Ranch Estates to create ten lots within Phase One of the development.

The property is located west of Bunker Drive, directly south of the Rainbow Ridge Subdivision. Currently, a single family residence is located on the property.

STAFF REVIEW:

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

Bunker Drive: Bunker Drive is located within a section line highway along the east lot line of the subject property. Bunker Drive is classified as a collector street on the City's Major Street Plan requiring that it be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The construction plans show the street constructed with a 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the plat document shows the dedication of a portion of the section line highway as right-of-way, or 31 feet of the section line highway located on the property. A stipulation of approval of the associated Preliminary Plat requires that an additional seven feet of right-of-way, for a total width of 38 feet, must be dedicated from the subject property. The applicant has indicated that the plat document will be revised to provide the additional right-of-way. To date, the east half of the section line highway located on the adjacent property, and owned by the City of Rapid City, has not been dedicated as right-of-way. However, the Subdivision Regulations does not allow the platting of a "half street" and, therefore, the applicant has requested the Variance to the Subdivision Regulations to allow platting half a right-of-way. Since the applicant does not own the east half of the section line highway and the City has no intentions of dedicating the section line highway at this time, staff is recommending that the Variance be approved as requested. Furthermore, the roadway is already under

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construction and the granting of the Subdivision Variance will not affect the status of the street.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the August 23, 2007 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.