

STAFF REPORT
January 24, 2008

No. 07SV068 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Sunset Vista Road and the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code **ITEM 31**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	H. L. Shelton
REQUEST	No. 07SV068 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Sunset Vista Road and the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 1 of Sundance Ridge Subdivision and the north 389.4 feet of Tract C of the NW1/4 of the NE1/4, located in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1R and Lot 3 of Sundance Ridge Subdivision, located in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.47 acres
LOCATION	3500 Sheridan Lake Road
EXISTING ZONING	Park Forest District - Low Density Residential District
SURROUNDING ZONING	
North:	Park Forest District - Low Density Residential District
South:	Park Forest District
East:	Park Forest District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/12/2007
REVIEWED BY	Travis Tegethoff / Ted Johnson

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Sunset Vista Road as per Chapter 16.16 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; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to City Council approval, the plat document shall be revised identifying the access easement as right-of-way; and,
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

GENERAL COMMENTS: (Update January 16, 2008. All revised text is shown in bold.) All revised and/or added text is shown in bold print. This item was continued to the January 24, 2008 Planning Commission to be heard in conjunction with the Preliminary Plat. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Sunset Vista Road and the Access Easement as per Chapter 16.16 of the Rapid City Municipal Code. The applicant has also submitted a Preliminary Plat to subdivide approximately 10.47 acres into two residential lots ranging in size from 4.47 acres to 6.00 acres. (See companion item #07PL168.)

The subject property is zoned Park Forest and is located east of Sheridan Lake Road and South of Sunset Vista Road. Currently, there is a single-family residence and accessory structures located on the property.

STAFF REVIEW:

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

Sunset Vista Road: The Sunset Vista Road is classified as a lane/place street requiring that it 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. Staff also noted that a turnaround shall be constructed at the end of Sunset Vista Road that is in accordance with the Street Design Criteria Manual. Staff noted that there does not appear to be adequate right-of-way width along Sunset Vista Road to the west of the property to access the site. It also appears that a portion of Sunset Vista Road is located outside of the

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dedicated right-of-way. The applicant is requesting a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Sunset Vista Road. Staff recommends that the Variance to the Subdivision Regulations be continued to be heard in conjunction with the Preliminary Plat and to allow the applicant to submit all of the required application materials necessary for a Preliminary Plat application.

On January 16, 2008 staff met with the applicant to discuss the Variance to the Subdivision Regulations and the associated Preliminary Plat (#07PL168). The applicant indicated that the associated plat is reconfiguring two existing lots and will not increase density in the area. Staff has noted that in the past Planning Commission has recommended approval of a Variance to the Subdivision Regulations when there is not an increase in density. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Sunset Vista Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Access Easement: The Preliminary Plat identifies an access easement extending north and south through the property to provide access to the south. The access easement is classified as a lane/place street requiring that it 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. The applicant is proposing to provide a 49 foot wide easement and requesting a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement. Staff recommends that the Variance to the Subdivision Regulations be continued to be heard in conjunction with the Preliminary Plat and to allow the applicant to submit all of the required application materials necessary for a Preliminary Plat application.

As noted above staff met with the applicant to discuss the Variance to the Subdivision Regulations and the associated Preliminary Plat (#07PL168). The applicant indicated that the associated plat is reconfiguring two existing lots and will not increase density in the area. Staff has noted that in the past Planning Commission has recommended approval of a Variance to the Subdivision Regulations when there is not an increase in density. In addition, constructing the proposed access easement to City standards will create a discontinuous street. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement be approved with the stipulations that the applicant revise the plat to identify the access easement as right-of-way and sign a waiver of right to protest any future assessment for the improvements.