

STAFF REPORT
January 24, 2008

No. 07SV074 - Variance to the Subdivision Regulations to allow platting half a right-of-way as per Chapter 16 of the Rapid City Municipal Code

ITEM 32

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	H. L. Shelton
REQUEST	No. 07SV074 - Variance to the Subdivision Regulations to allow platting half a right-of-way as per Chapter 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

RECOMMENDATION:

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

STAFF REPORT
January 24, 2008

No. 07SV074 - Variance to the Subdivision Regulations to allow platting half a right-of-way as per Chapter 16 of the Rapid City Municipal Code **ITEM 32**

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to allow platting half of a right-of-way along a section line highway located along the north lot line of the property. In addition, the applicant has submitted a Preliminary Plat (#07PL168) to reconfigure two existing parcels.

The subject property 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 and has noted the following considerations:

Section Line Highway: A section line highway is located along the north lot line of the property. The applicant has agreed to dedicate the right-of-way for that portion of the section line highway located on the applicant's property. However, the north half of the section line highway is located on adjacent properties under different ownership than the property. The Subdivision Regulations state that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted". As such, the adjacent property owners must participate in the platting of the north half of the section line highway or a Variance to the Subdivision Regulations must be obtained to allow platting half a right-of-way or the section line highways must be vacated. The applicant has, subsequently, requested a Variance to the Subdivision Regulations to allow platting half a right-of-way. In the past, the Planning Commission and the City Council have granted similar Variance requests when the adjacent area is a section line highway. The section line highway provides the legal ability to construct the street as needed. Any further platting would allow the other half of the right-of-way to be platted at that time. As such, staff is recommending that the Variance to the Subdivision Regulations be approved.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 24, 2008 Planning Commission meeting if this requirement has not been met.