

STAFF REPORT
March 6, 2008

No. 08SV001 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk and reduce the pavement width from 27 feet to 24 feet and to dedicate additional right-of-way along Midway Street; and a Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to reduce the pavement width from 27 feet to 24 feet and to dedicate additional right-of-way along Patton Street as per Chapter 16 of the Rapid City Municipal Code **ITEM 47**

GENERAL INFORMATION:

APPLICANT	Duane Hosek
AGENT	Black Hills Surveying
PROPERTY OWNER	Duane Hosek
REQUEST	No. 08SV001 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk and reduce the pavement width from 27 feet to 24 feet and to dedicate additional right-of-way along Midway Street; and a Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to reduce the pavement width from 27 feet to 24 feet and to dedicate additional right-of-way along Patton Street as per Chapter 16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	All of Block 24 of Mahoney Addition, less the west 25 feet, less the south eight and one half feet and the east eight and one half feet, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Hosek Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.37 acres
LOCATION	1509 Midway
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District - Medium Density Residential District
South:	Low Density Residential District
East:	Medium Density Residential District

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West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/11/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and and reduce the pavement width from 27 feet to 24 feet along Midway Street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install sidewalk along Patton Street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Midway Street be approved with the following stipulations:

- 1. Sidewalk shall be provided along one side only of Midway Street;**
- 2. 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 reduce the pavement width from 27 feet to 24 feet along Patton Street be approved with the following stipulations:

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

GENERAL COMMENTS: (Update February 27, 2008. All revised and/or added text is shown in bold.) This item was continued to the March 6, 2008 Planning Commission meeting to allow the applicant to submit the required information. On February 18, 2008, the applicant submitted the required information.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk and reduce the pavement width from 27 feet to 24 feet and to dedicate additional right-of-way along Midway Street; and a Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to reduce the pavement width from 27 feet to 24 feet and to dedicate additional right-of-way along Patton Street as per Chapter 16 of the Rapid City Municipal Code. The applicant has also submitted a Preliminary Plat to subdivide the property into two 0.18 acre parcels. (See companion item #08PL001.)

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The property is located northwest of the intersection of Patton Street and Midway Street. Currently, a single family residence and accessory structures are located on the property.

STAFF REVIEW:

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

Midway Street: Midway Street is identified as a sub-collector street and must be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, Midway Street is constructed with a 24 foot wide paved surface, curb, gutter, street light conduit, sewer and water. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk and reduce the pavement width from 27 feet to 24 feet and to dedicate additional right-of-way along Midway Street. However, the location of existing and proposed right-of-way widths as required per Section 16.20.0409(I)(2) was not indicated on the plat document and staff cannot evaluate the Variance request without the necessary information. As such, staff recommends that the Variance to the Subdivision Regulations be continued to allow the applicant to submit the required information.

Midway Street is identified as a sub-collector street and must be located in a minimum 47 foot wide right-of-way and constructed with a minimum 22 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, sewer and water. On February 18, 2008, the applicant demonstrated that Midway Street is located in 50 foot wide right-of-way constructed with a 24 foot wide paved surface, curb, gutter, street light conduit, sewer and water and terminates at the intersection of Lindbergh Avenue and Midway Street. However, there is no sidewalk currently constructed along Midway Street. Since Midway Street meets the minimum requirements of a sub-collector street with no on-street parking a Variance to the Subdivision Regulations is not required for additional right-of-way and additional pavement. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and reduce the pavement width from 27 feet to 24 feet be denied. In addition, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Midway Street be approved with the stipulation that sidewalk be provided along one side of Midway Street and that the applicant shall sign a waiver of right to protest any future assessment for the improvements.

Patton Street: Patton Street is identified as a sub-collector street and must be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, Patton

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Street is constructed with a 24 foot wide paved surface, curb, gutter, street light conduit, sewer and water. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk and reduce the pavement width from 27 feet to 24 feet and to dedicate additional right-of-way along Patton Street. However, the location of existing and proposed right-of-way widths as required per Section 16.20.0409(I)(2) was not indicated on the plat document and staff cannot evaluate the Variance request without the necessary information. As such, staff recommends that the Variance to the Subdivision Regulations be continued to allow the applicant to submit the required information.

On February 18, 2008, the applicant submitted a revised site plan that Patton Street is located in a 50 foot wide right-of-way constructed with a 24 foot wide paved surface, curb, gutter, street light conduit, sewer and water. However, sidewalk is not currently constructed along Patton Street. As Patton Street is an existing paved road, the developer has not generally been required to reconstruct the existing paved road; rather they have been required to sign a waiver of right to protest an assessment project for future improvements. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement be approved with the stipulation that the applicant 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 dedicate additional right-of-way and to install sidewalk along Patton Street be denied.