

STAFF REPORT
March 27, 2008

No. 08SV011 - Variance to the Subdivision Regulations to waive the ITEM 36 requirement to dedicate additional right-of-way and install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code

GENERAL INFORMATION:

APPLICANT	Ralph and Sylvia Vojta
AGENT	Britton Engineering & Land Surveying, Inc.
PROPERTY OWNER	Sylvia Vojta and Fred L. Nielsen
REQUEST	No. 08SV011 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 14 and 15 of Block 2 of Highland Hills Subdivision, located in the NE1/4 of the SE1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 14R and 15R of Block 2 of Highland Hills Subdivision, located in the NE1/4 of the SE1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.228 acres
LOCATION	8710 Highland Hill Road
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	Private water and sewer
DATE OF APPLICATION	2/22/2008
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

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Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 10, 2008 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Preliminary Plat (#08PL024) application to reconfigure two lots. The property is currently zoned Suburban Residential District in Pennington County and is located north of Highland Hills Road. Currently two single family residences are located on the existing lots. Because the proposed subdivision is reconfiguring two existing lots, the proposed subdivision will not increase the density of development.

STAFF REVIEW:

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

Highland Hills Road: Highland Hills Road is located along the south lot line of the property and is classified as a proposed principal arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed to collector street standards. Currently, Highland Hills Road has a 68 foot wide right-of-way and an approximate 20 foot wide paved surface. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install pavement, curb, gutter, sidewalk, street light conduit, water and sewer. As Highland Hills Road is an existing paved road and the required improvements would create a discontinuous street section, Planning Commission and City Council have not required the developer to reconstruct the existing paved road. However, the Planning Commission and City Council have required the property owner 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, curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. The City Council and the Planning Commission have required that the additional right-of-way be dedicated as a part of the review and approval of a plat. In particular, obtaining the right-of-way as required at the time the property is subdivided precludes the taxpayers from having to purchase the right-of-way when it is needed in the future. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the 16 feet of additional right-of-way be denied.

Access Easement: The access easement is located along the east lot line of the proposed Lot 14R and is classified as a lane/place street requiring that the street be located in a minimum

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49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. Currently, the street has a 30 foot wide private and an approximate 15 foot wide gravel surface serving one lot. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install pavement, curb, gutter, sidewalk, street light conduit, water and sewer. Since there is no increase in density and the access easement provides access to only one lot the developer has not generally been required to reconstruct the existing road to City of Rapid City Street Standards. However, a 20 foot wide all-weather surface for emergency vehicle access has been required in accordance with the minimum standards outlined in the International Fire Code. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulation that a minimum 20 foot wide all-weather surface be provided for emergency vehicle access. The City Council and the Planning Commission have routinely required that the additional easement width be provided as a part of the review and approval of a plat. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the 19 feet of additional right-of-way be denied.

Section Line Highway: An unimproved section line highway is located along the east lot line of proposed Lot 15R. The section line highway must be constructed to City Street Design Standards with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install pavement, curb, gutter, sidewalk, street light conduit, water and sewer. Staff noted that the applicant is only reconfiguring lot lines and not increasing density. In addition, the existing section line highway is currently unimproved and does not provide physical access to the surrounding properties. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install pavement, curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.