

STAFF REPORT

May 8, 2008

No. 08SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit along Catron Boulevard and Covenant Drive and to waive the requirement to install pavement, curb, gutter, water, sewer, sidewalk and street light conduit and dedicate Right-of-way along the section line Right-of-way and to waive sidewalk along a portion of Covenant Drive as per Chapter 16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Donald and Christine Potts
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Donald M. and Christine Potts
REQUEST	No. 08SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit along Catron Boulevard and Covenant Drive and to waive the requirement to install pavement, curb, gutter, water, sewer, sidewalk and street light conduit and dedicate Right-of-way along the section line Right-of-way and to waive sidewalk along a portion of Covenant Drive as per Chapter 16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 2 of Potts Subdivision, located in the SW1/4 SW/14 SE1/4 and SE1/4 SW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2A, 2B and 2C of Lot 2 of Potts Subdivision, formerly Lot 2 of Potts Subdivision, located in the SW1/4 SW/14 SE1/4 and SE1/4 SW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.88 acres
LOCATION	At the northern terminus of Covenant Drive
EXISTING ZONING	High Density Residential District (Planned Development Designation)
SURROUNDING ZONING North:	General Agriculture District

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South: General Agriculture District
East: General Agriculture District - Park Forest District
West: General Agriculture District

PUBLIC UTILITIES City water and sewer

DATE OF APPLICATION 4/11/2008

REVIEWED BY Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit along Catron Boulevard and Covenant Drive as per Chapter 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;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, water, sewer, sidewalk and street light conduit and dedicate right-of-way along the section line highway as per Chapter 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 sidewalk along a portion of Covenant Drive as per Chapter 16 of the Rapid City Municipal Code 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:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit along Catron Boulevard and Covenant Drive and to waive the requirement to install pavement, curb, gutter, water, sewer, sidewalk and street light conduit and dedicate right-of-way along the section line highway and to waive sidewalk along a portion of Covenant Drive as per Chapter 16 of the Rapid City Municipal Code. Also, the applicant has submitted a Preliminary Plat application. (See companion item #08PL051.)

The property is located approximately 0.5 miles northwest on Catron Boulevard from the intersection of Highway 16 and Catron Boulevard. The property lies on the west side of Catron Boulevard and is currently void of structural development.

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

Section Line Highway: An unimproved section line highway is located along the south lot line of the property. The section line highway must be constructed to City Street Design Standards for a lane/place street with a minimum 49 foot wide right-of-way with a 24 foot wide paved surface, with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. The applicant also has the option of vacating the section line highway; however, the south half of the section line highway is located on an adjacent property under different ownership than the property and in the past the adjacent land owner has not wanted to participate in the vacation of the section line highway. Since the section line highway does not serve as access to the proposed development and the adjacent property owner is not willing to participate in the vacation of the section line highway, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, water, sewer, sidewalk and street light conduit and dedicate right-of-way along the section line highway as per Chapter 16 of the Rapid City Municipal Code be approved with the stipulation the applicant sign a waiver of right to protest any future assessment for the improvements.

Catron Boulevard: Catron Boulevard is located along the east lot line of the property and is identified as a principal arterial street requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Catron Boulevard is located in a varied right-of-way width from 300 feet to 550 feet and constructed with a 36 foot wide paved surface and water. Requiring the improvements of curb, gutter and street light conduit along Catron Boulevard as it abuts the subject property will result in a discontinuous street design. As such, staff recommends that the Variance to the Subdivision Regulations to waive improvements along Catron Boulevard be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Covenant Drive: Covenant Drive accesses the property and is identified as a lane/place street requiring a minimum of 49 feet of right-of-way with a 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. Requiring the improvements of curb, gutter, sidewalk and street light conduit along Covenant Drive as it abuts the subject property will result in a discontinuous street design. As such, staff recommends that the Variance to the Subdivision Regulations to waive improvements along Covenant Drive be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: To date, the receipts from the certified mailings have not been

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returned. Staff will notify Planning Commission at the May 8, 2008 Planning Commission meeting if the legal notification requirements have not been met.