

STAFF REPORT

July 23, 2009

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**No. 09SV012 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code**

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**ITEM 15**

GENERAL INFORMATION:

APPLICANT	William M. Jobgen
AGENT	D.C. Scott Co. Land Surveyors
PROPERTY OWNER	William and Dorothy Jobgen
REQUEST	<b>No. 09SV012 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.78 acres
LOCATION	South of Miracle Lane between Carlin Street and Crane Drive
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 septic system
DATE OF APPLICATION	5/29/2009
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 dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code be continued to the **August 6, 2009** Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

GENERAL COMMENTS: (Update, July 14, 2009. All revised and/or added text is shown in bold print.) This item was continued to the July 23, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the **August 6, 2009 Planning Commission meeting.**

(Update, June 26, 2009. All revised and/or added text is shown in bold print.) This item was continued to the July 9, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the July 23, 2009 Planning Commission meeting.

The applicant has submitted a Variance to the Subdivision Regulations (#09SV012) to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Preliminary Plat (#09PL024) application to create two lots from a 2.78 acre parcel. The property is located north of Long View Road between Carlin Street and Crane Drive. Currently a single family house and an accessory structure are located on the property.

STAFF REVIEW:

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

Miracle Lane: Miracle Lane is located along a portion of the northern lot line and is classified as a subcollector street requiring that the street 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, water and sewer. Currently, a portion of Miracle Lane is located in a 66 foot wide right-of-way and constructed with an approximate 20 foot wide paved surface. The northeast portion of Miracle Lane is currently located in a 15 foot wide access easement. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code. However, the City Council and the Planning Commission have routinely required that the additional right-of-way be dedicated as a part of the review and approval of a plat even when other variances are granted to waive public infrastructure improvements.

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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 additional right-of-way be denied. In addition, the applicant has not submitted water, sewer, and drainage information for the proposed development for staff to adequately review the variance requests. As such, staff recommends that this item be continued to the **August 6, 2009** Planning Commission meeting to allow the applicant to submit the required information.

Crane Drive: Crane Drive is located along the eastern lot line and is classified as a lane/place requiring that the street 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. Currently, Crane Drive is located in a 50 foot wide right-of-way and constructed with an approximate 20 foot wide paved surface. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, road construction plans for Crane Drive be submitted as identified 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 install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code. However, the applicant has not submitted water, sewer, and drainage information for the proposed development for staff to adequately review the variance requests. As such, staff recommends that this item be continued to the **August 6, 2009** Planning Commission meeting to allow the applicant to submit the required information.

Legal Notification Requirement: To date, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 25, 2009 Planning Commission meeting if the legal notification requirements have not been met.