

STAFF REPORT  
March 25, 2010

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**No. 10SV003 - Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 24 feet and to reduce the pavement width from 27 feet to 18 feet as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 40**

GENERAL INFORMATION:

APPLICANT	Randy Ruthford
AGENT	Renner & Associates, LLC
PROPERTY OWNER	Randy Ruthford
REQUEST	<b>No. 10SV003 - Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 24 feet and to reduce the pavement width from 27 feet to 18 feet as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 9 and the north 25 feet of Lot 10 of <b>Block 3</b> of Lot 3 of the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	<b>Lots 1 and 2 of Monte Vista Subdivision</b> located in the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.259 acres
LOCATION	2019 and 2021 Monte Vista Drive
EXISTING ZONING	Medium Density Residential District (Canyon Lake Overlay)
SURROUNDING ZONING	
North:	Medium Density Residential District (Canyon Lake Overlay)
South:	Medium Density Residential District (Canyon Lake Overlay)
East:	Medium Density Residential District (Canyon Lake Overlay)
West:	Medium Density Residential District (Canyon Lake Overlay)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/5/2010

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REVIEWED BY

Ali DeMersseman / Mary Bosworth

RECOMMENDATION:

**Staff recommends that the Planning Commission acknowledge the withdrawal of the Variance to the Subdivision Regulations request to reduce the right-of-way width from 52 feet to 24 feet; and,**

**Staff recommends that the Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 18 feet 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 pavement improvement.**

GENERAL COMMENTS: **(Update, March 17, 2010. All revised and/or added text is shown in bold print.) This item was continued to the March 25, 2010 Planning Commission meeting to allow the applicant to work with the Rapid City Fire Department to address fire safety issues for the property. Subsequently, the applicant has worked with the Fire Department to resolve the fire safety issues for the existing structure.**

The applicant has submitted a Subdivision Variance request to reduce the required right-of-way width at Monte Vista Drive from 52 feet to 24 feet and to reduce the pavement width from 27 feet to 18 feet. The property was originally platted in 1934 and the area was annexed to the City in 1947.

In addition, the applicant has submitted a Preliminary Plat application (No. 10PL005) to divide the two parcels into two 0.13 acre lots.

The property is located on Monte Vista Drive, south of Canyon Lake Drive. The property was recently developed with a two-unit townhouse.

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

Fire Department: The Rapid City Fire Department has indicated that Monte Vista Drive is approximately 18 feet wide, which creates access issues due to parked vehicles and weather related obstructions. In addition, the Fire Department has noted that no alley access is available to the proposed lots and the nearest fire hydrant available to the property is 475 feet away. Therefore, the Fire Department has indicated that to off-set the redevelopment deficiencies in the area, residential fire sprinkler protection will be required within any new construction. As such, staff recommends this item be continued to allow the applicant to address fire safety issues for the property.

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(Update: March 17, 2010) The Fire Department has indicated that since the structure on the property was constructed prior to an application for a Preliminary Plat or Subdivision Variance request, the installation of the noted fire sprinkler protection system will be impractical at this time. Therefore, fire sprinkler protection for the structure is recommended, but not a stipulation of approval for the proposal.

**Monte Vista Drive:** Monte Vista Drive is located along the east lot line of proposed Lots 1 and 2 and is classified as a sub-collector street requiring that it be located in a minimum 52 foot wide right-of-way with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the street is located within a 24 foot wide right-of-way and constructed with an approximately 18 foot wide paved surface. Initially, the applicant requested that the required right-of-way width at Monte Vista Drive be reduced from 52 feet to 24 feet. However, the applicant has submitted a revised site plan and plat document showing a 14 foot wide right-of-way dedication along Monte Vista Drive, which conforms to street design standards regarding the right-of-way width. Therefore, the applicant has requested that the Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 24 feet be withdrawn.

The applicant is requesting that the pavement width be reduced from 27 feet to 18 feet for Monte Vista Drive. In the past, the Planning Commission and the City Council have supported a reduction in the required pavement width when a discontinuous street section would result, and when the proposal does not result in increased density on the property. Requiring the additional pavement width on Monte Vista Drive along this property would result in a discontinuous street section. In addition, the proposal will not increase the density on the property. As such, staff recommends that the Variance to the Subdivision Regulations to reduce the required pavement width from 27 feet to 18 feet at Monte Vista Drive be approved with the stipulation that prior to City Council approval, the applicant must sign a waiver of right to protest any future assessment for the pavement improvement.

**Notification Requirement:** The receipts from the certified mailings have been returned. To date, staff has received two calls of inquiry regarding the request.

(Update: March 17, 2010) On March 15, 2010, a corrected notification letter was sent out to the property owners within a 250 radius of the property, which indicated the correct zoning of Medium Density Residential District for the property.