

STAFF REPORT
November 4, 2010

No. 10SV010 - Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way and to waive the requirement to increase the existing pavement width of Lemmon Avenue from 24.1 feet to 27 feet as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code

ITEM 28

GENERAL INFORMATION:

APPLICANT	Deanne Boomsma
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Daene Boomsma
REQUEST	No. 10SV010 - Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way and to waive the requirement to increase the existing pavement width of Lemmon Avenue from 24.1 feet to 27 feet as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 27R and 29R of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.08 acres
LOCATION	724 Lemmon Avenue
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/14/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

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ITEM 28

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way and to waive the requirement to increase the existing pavement width of Lemmon Avenue from 24.1 feet to 27 feet as they abut the property pursuant to Chapter 16.16 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.**

GENERAL COMMENTS:

(Update: October 22, 2010. All revised and/or added text is shown in bold print.) This item was continued at the October 7, 2010, Planning Commission meeting to allow the applicant to obtain a Variance from the Zoning Board of Adjustment to reduce the minimum lot size requirement in the Medium Density Residential District from 6,500 square feet to 5,250 square feet and to reduce the minimum front building line for each lot from 50 feet to 38.50 and 36.60 feet, respectively. The Variance request will be considered at the November 2, 2010, Zoning Board of Adjustment meeting. Staff will notify the Planning Commission at the November 4, 2010, Planning Commission meeting of the decision of the Zoning Board of Adjustment.

(Update: September 24, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 9, 2010 Planning Commission meeting to allow the applicant to address outstanding issues.

On September 7, 2010 the Zoning Board of Adjustment denied a Variance request to reduce the minimum lot size requirement in the Medium Density Residential District from 6,500 square feet to 5,184 square feet. The applicant has indicated that the plat document will be revised and a new Variance request submitted for review at the November 2, 2010 Zoning Board of Adjustment meeting. The applicant has subsequently requested that this item be continued to the November 4, 2010 Planning Commission meeting to allow the Zoning Board of Adjustment to consider the associated Variance request.

(Update: August 30, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 26, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(Update: August 19, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 5, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat. On August 17, 2010, the Zoning Board of Adjustment granted a Variance to reduce the front building line for each lot from 50 feet to 37.28 feet and to reduce the side yard setback from 8 foot to 4 foot. The applicant has also submitted a Variance to reduce the minimum lot size requirement in the Medium Density Residential District from 6,500 square feet to 5,184 square feet. This request will be considered at the September 7, 2010 Zoning Board of Adjustment meeting. As such, staff

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ITEM 28

recommends that the Variance to the Subdivision Regulations be continued to the September 9, 2010 Planning Commission meeting to allow the Zoning Board of Adjustment to consider the Variance request and to be heard in conjunction with the associated plat.

(Update: July 23, 2010. All revised and/or added text is shown in bold print.) This item was continued at the July 22, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(Update: July 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the June 24, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat and to allow the applicant to resend the letters of notice for the Variance to the Subdivision Regulations application. In particular, the Planning Commission directed the applicant to resend the letters since a property owner noted that they received an envelope without the letter of notice enclosed as required. The applicant has subsequently resent the letters of notification as directed by the Planning Commission. In addition, the white slips and green cards have been submitted to the Growth Management Department.

(Update: June 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the June 10, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat and to allow the applicant to resend the letter of notice for the Variance to the Subdivision Regulations application. In particular, the Planning Commission directed the applicant to resend the letters since a property owner noted that they received an envelope without the letter of notice enclosed as required. Staff will notify the Planning Commission at their June 24, 2010 Planning Commission if these issues have been addressed.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way and to waive the requirement to increase the existing pavement width of Lemmon Avenue from 24.1 feet to 27 feet as they abut the property. In addition, the applicant has submitted a Preliminary Plat (File #10PL033) to reconfigure the three existing lots into two lots.

The property is located 75 feet south of the intersection of Adams Street and Lemmon Avenue on the east side of Lemmon Avenue. Currently, a single family residence is located on proposed Lot 27R and on proposed Lot 29R.

STAFF REVIEW:

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

Alley: A 20 foot wide alley right-of-way is located along the east lot line of the property. The alley is currently constructed with a gravel surface. The Street Design Criteria Manual requires that the alley be constructed with a minimum 16 foot wide paved surface. Platting the property as proposed results in a decrease in density from three lots to two lots. In

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ITEM 28

addition, requiring that the alley be paved for that portion that abuts the property will result in a discontinuous street design. In the past, the Planning Commission and the City Council have supported similar Variance requests when the associated plat resulted in a decrease in density and when the improvement would create a discontinuous street design. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to pave the alley be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvement.

Lemmon Avenue: Lemmon Avenue is located along the west lot line of the property and is classified as a sub-collector street requiring that it be located within 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. Lemmon Avenue is located within an 80 foot wide right-of-way and constructed as a sub-collector street with the exception of a reduced pavement width of 24.10 feet. As previously indicated, platting the property as proposed results in a decrease in density from three lots to two lots. In addition, requiring that the pavement width of Lemmon Avenue be widened from 27 feet to 24.10 feet as it abuts the property will result in a discontinuous street design. In the past, the Planning Commission and the City Council have supported similar Variance requests when the associated plat resulted in a decrease in density and when the improvement would create a discontinuous street design. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to widen Lemmon Avenue be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has received several calls voicing concern with the proposed plat.