

STAFF REPORT

September 21, 2000

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**SVAR #00SV020 - Variance to the Subdivision  
Regulations to waive the requirement for paving, curb,  
gutter, sidewalks street light service, sewer and water**

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**ITEM 10**

GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST	<b>SVAR #00SV020 - Variance to the Subdivision Regulations to waive the requirement for paving, curb, gutter, sidewalks street light service, sewer and water</b>
LEGAL DESCRIPTION	Lot 1 of Shooting Star Subdivision, located in the unplatted portion of the SE1/4 SW1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.76 Acres
LOCATION	At the western terminus of Shooting Star Road
EXISTING ZONING	Suburban Residential
SURROUNDING ZONING	
North:	Low Density Residential-I District (City)
South:	SRD -County
East:	Low Density Residential-I District (City)
West:	SRD - County
PUBLIC UTILITIES	To Be Extended
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for paving, curb, gutter, sidewalks street light service, sewer and water be continued to the October 26, 2000 Planning Commission meeting so that it can be considered concurrently with the associated platting request.

GENERAL COMMENTS: This Subdivision Variance request is the companion request to Preliminary and Final Plat for Lot 1 of Shooting Star Subdivision (see related Staff Report). The plat has been submitted to plat one 2.76 acre residential lot located at the southwest corner of Wildwood Subdivision. The subject property is located in Rapid City's three-mile platting jurisdiction but is adjacent to the City limits on two sides. Access to the lot will be provided via the section line right-of-way located along the south border of the property. There is currently a gravel roadway constructed within this section line that serves property to the west of the subject property. This section line roadway connects with Wildwood Drive approximately one-quarter of a mile east of the subject property. The petitioner has submitted

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a Subdivision Variance request to waive all the improvement requirements for the portion of this roadway where it abuts the subject property and to allow platting of only one-half of a public right-of-way.

STAFF REVIEW: As noted in the Staff Report related to the plat, Staff is recommending that the plat be continued to allow the petitioner to submit the required petition for annexation. Once the annexation petition is submitted, Staff will recommend denial of the portion of the variance relating to the street improvements because a better option will be for the petitioner to enter into a Waiver of Right to Protest agreement with the City. Staff will, however, be supporting that portion of the Subdivision Variance relating to platting one-half of a public right-of-way because the petitioner does not have control or ownership of the other one-half of the section line.

The receipts from the required certified mailing have been returned by the petitioner. Staff has not received any objections or inquiries regarding this request.

Staff is recommending that this Subdivision Variance request be continued to the October 26, 2000 Planning Commission meeting so that it can be considered concurrently with the plat and annexation requests.