

STAFF REPORT

October 26, 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 16**

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	City Water 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 denied. Staff recommends that the Variance to the Subdivision Regulations to allow the platting of one-half of a public right-of-way be approved.**

GENERAL COMMENTS: **This Staff Report has been revised. New or updated text is shown in bold print. This request was first considered by the Planning Commission on September 21, 2000 but was continued at that time so it could be continued at the same time as the associated platting request (see companion item).** This Subdivision Variance request is the companion request to Preliminary and Final Plat for Lot 1 of Shooting Star Subdivision. 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 three sides. Access to the lot will be provided via the section line right-of-way located along the south border of the

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property (**see related Road Renaming request**). 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 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. It appears from aerial photos that the gravel roadway may veer from the section line highway near the western edge of the subject property.

**STAFF REVIEW: The petitioner has also submitted a petition for annexation (see related item) for the lot to be platted and the adjacent one-half of the section line. Because this portion of roadway will now be located within the City limits, Staff is recommending denial of the Subdivision Variance for the street improvements because Staff believes it is more appropriate for the petitioner to enter into a Waiver of Right to Protest agreement with the City. This waiver agreement will allow the improvements to be deferred until such time that an assessment project is approved requiring the improvements. The approval of this waiver agreement is one of the recommended stipulations contained in the related Staff Report for the plat. The waiver agreement will cover both the section line improvements and improvements to the existing roadway if it is not located within the section line highway. Staff is, however, 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 **received one telephone inquiry** regarding this request.