

STAFF REPORT

December 5, 2002

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**No. 02SV044 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and paving and to dedicate right of way for the collector road as shown on the major street plat, to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 and to waive the requirement to install sidewalk and street light conduit on Moon Meadows Drive as per Section 16.16 of the Rapid City Municipal Code**

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**ITEM 26**

GENERAL INFORMATION:

PETITIONER	Doug Sperlich for 16 Plus, LLP
REQUEST	<b>No. 02SV044 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and paving and to dedicate right of way for the collector road as shown on the Major Street Plan, to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 and to waive the requirement to install street light conduit and sidewalk on Moon Meadows Drive as per Section 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	A portion of Tract 1 and Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2 thru 4, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	Northwest of U.S. Highway 16 and Moon Meadows Road
EXISTING ZONING	Medium Density Residential District/General Commercial District w/Planned Commercial Development
SURROUNDING ZONING	
North:	General Commercial District w/ Planned Commercial Development
South:	Suburban Residential District (County)
East:	General Commercial District w/Planned Commercial Development
West:	Suburban Residential District (County)
PUBLIC UTILITIES	To be extended

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**ITEM 26**

DATE OF APPLICATION 10/31/2002

REPORT BY Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sidewalk on Moon Meadows Drive be denied; and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and paving and to dedicate right of way for the collector road as shown on the Major Street Plan and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 be approved with the following stipulation:

Urban Division Recommendation:

1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations request as outlined above. In addition, the applicant has submitted a Preliminary and Final Plat to create one lot to be known as Lot 3, Moon Ridge Subdivision. (See companion item #02PL095.)

The property is located directly north and south of Moon Meadows Drive and directly west of U. S. Highway 16 and is currently void of any structural development.

On September 3, 2002, the City Council approved a Layout, Preliminary and Final Plat to create a 2.755 acre parcel located southwest of the subject property as Lot 1 of the Moon Ridge Subdivision. On September 16, 2002, the City Council approved a Layout Plat to subdivide approximately 60 acres, including the subject property, into three lots.

STAFF REVIEW:

During the review of the Variance to the Subdivision Regulations, staff identified the following considerations:

Collector Road: No part of the collector road as identified on the Major Street Plan is currently constructed. Requiring that the portion of the collector road abutting the subject property be constructed at this time will result in a discontinuous section of roadway. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve the collector road be approved with the stipulation that the applicant sign a Waiver

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**ITEM 26**

of Right to Protest any future assessment for the improvements.

U.S. Highway 16: Currently, curb, gutter, sidewalk and street light conduit are not constructed along U.S. Highway 16. Due to an existing ditch located along either side of U.S. Highway 16, the location of a sidewalk with curb and gutter is difficult to determine at this time. Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve U.S. Highway 16 be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessment for the improvements. The applicant is encouraged to provide pedestrian walkways through the site upon development of the property.

Moon Meadows Drive: Currently, sidewalk and street light conduit are not constructed along Moon Meadows Drive. However, as the subject property and area property(s) develop and/or redevelop, sidewalks will be required in order to accommodate the pedestrian traffic generated from the use(s). As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve Moon Meadows Drive be denied.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the December 5, 2002 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.