

STAFF REPORT

May 8, 2003

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**No. 03SV018 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 34**

GENERAL INFORMATION:

PETITIONER	D.C. Scott Co. Land Surveyors for Thomas Knight
REQUEST	<b>No. 03SV018 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 4 and Lot 5 of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 4R, Lot 5R, and Lot 6 of Knight's Acres Subdivision, shared approach easement, vacated access easement, and dedicated Anderson Road right-of-way located in the N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 16.82 acres
LOCATION	South of Longview Road and west of Anderson Road
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Low Density Residential (County)
South:	Low Density Residential (County)
East:	Limited Agriculture District (County)
West:	Limited Agriculture District (County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	05/11/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and to improve pavement along Anderson Road as per Chapter 16.16 of the Rapid City Municipal Code be approved

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with the following stipulation:

Engineering Division Recommendations:

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

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve Anderson Road as identified above. The applicant has also submitted a Preliminary and Final Plat to subdivide the subject property into three lots. (See companion item #03PL044.)

On September 16, 2002, the City Council approved Layout Plat #02PL026 to subdivide the subject property as identified on this Preliminary and Final Plat.

The property is located on the west side of Anderson Road approximately one-quarter mile south of the intersection of Anderson Road and Longview Drive. Currently, a single family residence is located on each of proposed Lots 4R and 5R. Proposed Lot 6 is currently void of any structural development.

STAFF REVIEW:

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

Anderson Road: As previously indicated, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer and water and to improve pavement along Anderson Road as it abuts the subject property. Currently, these improvements do not exist along Anderson Road. As such, requiring the applicant to improve Anderson Road as identified will create a discontinuous street design. The Pennington County Highway Department has indicated that no current or proposed design plans for Anderson Road exist. As such it would be difficult for the applicant to construct the improvements at this time. Staff is recommending that the Variance to the Subdivision Regulations as requested be approved with the stipulation that the applicant sign a waiver of right to protest a future assessment for the improvements.

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 May 8, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.