

STAFF REPORT

October 23, 2003

No. 03SV039 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer, water, street light conduit, sidewalk and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 40

GENERAL INFORMATION:

PETITIONER	Gordon Howie for Galen Steen
REQUEST	No. 03SV039 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer, water, street light conduit, sidewalk and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	SW1/4 NE1/4; the west 66 feet of the NW1/4 NE1/4, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and a portion of the E1/2 of Section 25, located in the E1/2 Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the center 1/4 corner of Section 25, a distance of 407.00 feet; thence, second course, southeasterly, on a curve curving to the right, with a radius of 2467.00 feet, a delta angle of 32°20'53", a length of 1392.82 feet, a chord bearing of N73°49'33"W, and a chord distance of 1374.04 feet, to a point on the east 16th line of Section 25; thence, third course: S00°00'00"W, along the east 1/16th line of Section 25, a distance of 24.15 feet, to the east 1/16th corner of Section 25; thence, fourth course: N90°00'00"W, along the 1/4 line of Section 25, a distance of 924.00 feet; thence, fifth course: S00°00'00"W, a distance of 624.43 feet; thence, sixth course, N90°00'00"W, a distance of 396.00 feet, to a point on the 1/4 line of Section 25; thence, seventh course: N00°00'00"E along the 1/4 line of Section 25, a distance of 624.43 feet, to the center 1/4 corner of Section 25, and the point of beginning; said parcel contains 14.3 acres more or less
PARCEL ACREAGE	18.767
LOCATION	Southeast of the intersection of Anderson Road and South Side Drive
EXISTING ZONING	General Agriculture District (County)

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SURROUNDING ZONING

North:	General Agriculture District (County)
South:	General Agriculture District (County)
East:	General Agriculture District (County)
West:	General Agriculture District (County)

PUBLIC UTILITIES To be extended

DATE OF APPLICATION 09/26/2003

REPORT BY Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the north-south street and the east-west street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

Engineering Division Recommendations:

1. Upon Preliminary Plat submittal, road construction plans shall be submitted for review and approval identifying that the two streets will be constructed with a minimum 24 foot wide graveled surface; and,
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along two proposed streets within the subdivision. In addition, the applicant has submitted a Layout Plat proposing to subdivide approximately 80 acres into two parcels, leaving an approximate 30 acre non-transferable balance. The two lots are to be known as Lot 1 and 2 of Steen Subdivision. (See companion item #03PL098.)

The subject property is located southeast of the intersection of Anderson Road and South Side Drive, directly south of the City's waste-water treatment plant. A majority of the subject property is located outside of the City's Platting jurisdiction. As such, both the City and the County must review and approve the proposed plat document.

STAFF REVIEW:

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

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Platting Jurisdiction: As previously mentioned, a majority of the property is located outside of the City's platting jurisdiction. The County requires that the proposed street(s) be constructed as graveled roadways. Requiring that portion of the streets located in the City's platting jurisdiction be constructed to City Street Design Standards will result in a discontinuous road section. The City Council has approved similar Subdivision Regulations requests when a street is located in both platting jurisdictions and the City's Street Design Standards will result in a discontinuous road section. As such, staff is recommending that the Variance to the Subdivision Regulations be approved with the stipulation that the two streets be constructed with a minimum 24 foot wide graveled surface. In addition, the applicant must sign a waiver of right to protest any future assessment project for the improvements.

Notification Requirement: As of this writing, the receipts for the certified mailing requirement have not been returned. Staff will notify the Planning Commission at the October 23, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.