

STAFF REPORT

March 25, 2004

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**No. 04SV012 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 18**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 04SV012 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 3, Collins Estates, located in the N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 acres
LOCATION	Along 237th Street
EXISTING ZONING	Limited Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Agriculture District (County)
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	02/26/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement be approved with the following stipulation:

1. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,

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2. Prior to Preliminary Plat approval, construction plans shall be submitted for review and approval providing a permanent turnaround at the end of 237<sup>th</sup> Street with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter graveled surface.

General Comments:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along 237<sup>th</sup> Street as it abuts the subject property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into three lots ranging in size from ten acres to 15 acres. (See companion item 04PL018.)

The property is located at the western terminus of 237<sup>th</sup> Street and is currently void of any structural development.

Staff Review:

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

237<sup>th</sup> Street: A section line highway, 237<sup>th</sup> Street, is located along the north lot line of the subject property. The road is classified as a lane place street requiring a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water, sewer and pavement. In addition, a permanent turnaround at the end of 237<sup>th</sup> Street must be constructed. Currently, 237<sup>th</sup> Street is located in a 66 foot wide right-of-way with an approximate 20 foot wide graveled surface. Requiring the improvement of 237<sup>th</sup> Street as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along 237<sup>th</sup> Street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement. In addition, a permanent turnaround must be constructed at the end of 237<sup>th</sup> Street with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter graveled surface.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 25, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.