

STAFF REPORT
October 21, 2004

No. 04SV053 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 29

GENERAL INFORMATION:

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| PETITIONER | Sperlich Consulting, Inc. for Paul Reinke |
| REQUEST | No. 04SV053 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code |
| EXISTING LEGAL DESCRIPTION | NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots 18 thru 20 of Copper Oaks No. 2, Lots 11 thru 13 Block 2, Lots 8 thru 12 of Block 3, Lots 1 thru 5 of Block 4, Lots 1 thru 8 of Block 5 and Lot A of Copper Oaks No. 3 Subdivision located in the NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 40 Acres |
| LOCATION | Along Wild Turkey Way and Quartz Canyon Lane |
| EXISTING ZONING | Suburban Residential District (County) |
| SURROUNDING ZONING | |
| North: | Suburban Residential District (County) |
| South: | Highway Service District / General Agriculture District |
| East: | Low Density Residential District / General Agriculture District |
| West: | Suburban Residential District (County) |
| PUBLIC UTILITIES | Community water/private individual on-site wastewater |
| DATE OF APPLICATION | 09/21/2004 |
| REVIEWED BY | Vicki Fisher / Curt Huus |

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the November 4, 2004

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Planning Commission meeting at the applicant's request.

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 to improve pavement along two un-named cul-de-sacs, Quartz Canyon Lane, Wild Turkey Way and Wilderness Canyon Road as they abut the subject property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into 24 residential lots. (See companion meeting #04PL135.)

The proposed lots are located in the Copper Oaks Subdivision, however, they are not completely contiguous to each other. In particular, eight of the lots are located along an un-named cul-de-sac extending south from Quartz Canyon Road. Three additional lots are located along the north side of Quartz Canyon Road. Eight lots are located along previously platted right-of-way known as Wild Turkey Way which, to date, has not been constructed. In addition, five additional lots are located on a second un-named cul-de-sac located within a section line highway extending north from Wilderness Canyon Road. Currently, the proposed lots are void of any structural development.

STAFF REVIEW:

Staff has identified that the legal description as shown on the application includes all properties within the northeast corner of Section 7. However, the applicant does not own all of the properties within the northeast corner. As such, all of the affected property owners must sign the application or the applicant must revise the legal description to include only that portion of the northeast corner of Section 7 currently under his ownership. The applicant has requested that this item be continued to the November 4, 2004 Planning Commission meeting in order to submit a revised legal description including only that portion of the northeast corner of Section 7 as shown on the Layout Plat. As such, staff is recommending that the Variance to the Subdivision Regulations be continued as requested by the applicant.