

STAFF REPORT  
November 24, 2004

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**No. 04SV068 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, water and sewer, along the west 31 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 35**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 04SV068 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, water and sewer, along the west 31 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Unplatted portion of the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract BD, of Big Sky Subdivision located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.912 acres
LOCATION	South west of the intersection of Degeest and Homestead
EXISTING ZONING	Medium Density Residential District/Planned Development Designation District
SURROUNDING ZONING	
North:	Medium Density Residential District/Planned Development Designation District
South:	Medium Density Residential District/Planned Development Designation District
East:	Low Density Residential District
West:	Office Commercial District/Planned Development Designation District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/29/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, water and sewer, along the west 31 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water and sewer along the west 31 feet of Homestead Street. In addition, the applicant has submitted a Preliminary Plat to create a 5.912 acre residential lot as a part of the Big Sky Subdivision. (See companion item #04PL160.)

On February 16, 2004, the City Council approved a similar Variance to the Subdivision Regulations request to waive the requirement to construct the west 125 feet of Homestead Street in conjunction with a Preliminary and Final Plat to create five residential lots on the property located directly south of the subject property. On October 29, 2004, a Minor Plat for the subject property to create the 5.912 acre lot was denied without prejudice since all of Homestead Street has not been constructed as per City street design standards. Please note that a Minor Plat can not be approved in any case in which all of the adjacent rights-of-way have not been constructed to City Street Design Standards and/or if a Variance to the Subdivision Regulations is being requested or obtained.

The property is located between Berniece Street and Homestead Street and is currently void of any structural development.

STAFF REVIEW:

A Master Plan for the Big Sky Subdivision identifies the future extension of Homestead Street to the west. The applicant has indicated that the west 31 feet of Homestead Street will be constructed either as a part of any future subdivision of the subject property or upon development of the parcel located directly west of the subject property. As previously noted, a Variance to the Subdivision Regulations to waive the requirement to construct this portion of Homestead Street was previously granted by the City Council in conjunction with the platting of a previous phase of the Big Sky Subdivision located directly south of the subject property. However, this Preliminary Plat requires that the street now be completed or a Variance to the Subdivision Regulations obtained. Based on previous Council action, staff is recommending that this Variance to the Subdivision Regulations also be granted with the stipulation that prior to submittal of a Final Plat application, the applicant must sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have not been

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returned. Staff will notify the Planning Commission at the November 24, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.