

STAFF REPORT  
March 10, 2005

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**No. 05SV010 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 38**

GENERAL INFORMATION:

PETITIONER	Joel Boylan
REQUEST	<b>No. 05SV010 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 21, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 21A and 21B, Block 3 of Moon Meadows Estates Subdivision, Section 34, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.38 acres
LOCATION	3025 Moon Meadows Drive
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	1/28/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any

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future assessments for the improvements.

GENERAL COMMENTS:

**(This Staff Report has been updated on February 27, 2005. All revised and or added text is shown in bold print.) This item was continued at the February 24, 2005 Planning Commission meeting with the applicant's concurrence to allow an area property owner to further review the Variance to the Subdivision Regulations request. Please note that no other part of this Staff Report has been revised.**

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 along Moon Meadows Drive as it abuts the subject property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into two lots. (See companion item #05PL019.)

The subject property is located 150 feet east of the intersection of Northstar Road and Moon Meadows Drive on the south side of Moon Meadows Drive. Currently, a single family residence with a detached garage is located on the subject property.

STAFF REVIEW:

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

Street Improvements: Moon Meadows Drive is located along the north lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan. A principal arterial street must be located in a minimum 100 foot wide right-of-way and a minimum 40 foot wide paved surface with curb, gutter, street light conduit, sidewalk, water and sewer. Currently, Moon Meadows Drive is located in a 66 foot wide right-of-way with a 40 foot wide paved surface. Currently, curb, gutter, sidewalk, street light conduit, water and sewer do not exist along this section of Moon Meadows Drive. Requiring the improvement of Moon Meadow Drive 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 Moon Meadow Drive be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has received one telephone call inquiring about the Variance to the Subdivision Regulations. However, the caller did not express any opposition regarding the request.