

STAFF REPORT  
March 10, 2005

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**No. 05SV022 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, and pavement along the western most 750 feet of the Section Line**

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**ITEM 31**

GENERAL INFORMATION:

PETITIONER	Fisk Land Survey & Consulting Engineers for Donald Potts
REQUEST	<b>No. 05SV022 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, and pavement along the western most 750 feet of the Section Line</b>
EXISTING LEGAL DESCRIPTION	In the SW1/4SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 13.34 acres
LOCATION	6105 Covenant Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District/Public District
West:	General Agriculture District
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	02/25/2005
REVIEWED BY	Patsy Horton / Michelle Horkey

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 western most 750 feet of the Section Line be approved with the following stipulations:

1. Prior to City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements along the Section Line Highway right-of-way.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the western most 750 feet of the Section Line Highway right-of-way as it

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abuts the subject property. In addition the applicant has submitted a Preliminary Plat to subdivide approximately 13 acres into two parcels (see companion item #04PL191), a request to vacate the Section Line Highway right-of-way (see companion items #04VR013 and #05VR001) and a request to allow platting one-half of the Section Line Highway right-of-way (see companion item #05SV011).

The subject property is located approximately .5 miles northwest of the intersection of S.D. Highway 16 and Catron Boulevard, on the west side of Catron Boulevard. Currently Covenant Drive terminates at the property line.

**STAFF REVIEW:**

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

**Section Line Highway:** An unimproved Section Line Highway is located along the south lot line of the subject property. The Section Line Highway must be constructed to City Street Design Standards with a minimum 45 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained due to topographical restraints. The applicant also has the option of vacating the Section Line Highway; however, the adjacent property owner must sign the petition requesting the vacation of the Section Line Highway or a Variance to the Subdivision Regulations to allow platting half a right-of-way must be obtained. The applicant has requested the adjacent property owner participate in the Section Line Highway vacation and the adjacent property owner prefers to maintain the Section Line Highway right-of-way. As such, staff is recommending that the Variance to the Subdivision Regulations be approved with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvements to the Section Line Highway right-of-way adjacent to the applicant's property.

**LEGAL NOTIFICATION REQUIREMENT:**

The receipts from the certified mailings have been returned. As of this writing, staff has not received any comments regarding this application.