

STAFF REPORT  
May 26, 2005

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**No. 05SV012 - 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 49**

GENERAL INFORMATION:

PETITIONER	Dream Design International for SPF, LLC
REQUEST	<b>No. 05SV012 - 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	Government Lot 4 less right-of-way; the unplatted portion of the SE1/4 SW1/4, the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Freeland Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 146.82 acres
LOCATION	North of Country Road east of West Nike Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District/Low Density Residential District (Pennington County)
South:	General Agriculture District/Limited Agriculture District (Pennington County)
East:	General Agriculture District/Limited Agriculture District (Pennington County)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/28/2005
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to install curb, gutter,

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sidewalk, street light conduit, water and sewer along Creek Drive and W. Nike Road as per Chapter 16.16 of the Rapid City Municipal Code be **approved with the following stipulation:**

- 1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the street improvements.**

GENERAL COMMENTS:

**(Update May 17, 2005. All revised and/or added text is shown in bold print.) This item was continued at the May 5, 2005 Planning Commission meeting to allow the applicant time to be heard in conjunction with an associated Layout Plat. On April 29, 2005, the applicant submitted a revised Layout Plat for review and approval.**

(Update April 22, 2005. All revised and/or added text is shown in bold print.) This item was continued at the April 21, 2005 Planning Commission meeting to allow the applicant time to submit additional information. Staff met with the applicant's consultant on April 14, 2005 to discuss the outstanding issues relative to this plat. To date, the additional information and/or revised Layout Plat as identified at the meeting, has not been submitted for review and approval. As such, staff is recommending that the Layout Plat be continued to the May 26, 2005 Planning Commission meeting to allow the applicant's consultant to submit the additional information for review and approval. Subsequently, staff is recommending that the Variance to the Subdivision Regulations be continued to the May 26, 2006 Planning Commission meeting to be heard in conjunction with the associated plat. Please note that no other part of this Staff Report has been altered.

(Update April 10, 2005. All revised and/or added text is shown in bold print.) This item was continued at the March 24, 2005 Planning Commission meeting to allow the applicant time to submit additional information. Staff will meet with the applicant's consultant on April 14, 2005 to discuss the outstanding issues relative to the associated Layout Plat. As such, staff is recommending that the Layout Plat be continued to the May 5, 2005 Planning Commission meeting in order to meet with the applicant's consultant as indicated and to allow the applicant's consultant to submit the additional information for review and approval. Subsequently, staff is recommending that the Variance to the Subdivision Regulations be continued to the May 5, 2005 Planning Commission meeting to be heard in conjunction with the associated plat. Please note that no other part of this Staff Report has been altered.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Country Road and W. Nike Road as they abut the subject property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property, a 146.8 acre parcel, into 425 residential lots to be known as "Freeland Meadows Subdivision". The applicant has also submitted a Petition for Annexation request to annex the subject property, a Comprehensive Plan Amendment to the change the future land use designation from 2.5 dwelling units per acre to Low Density Residential with a Planned Residential Development, two Rezoning requests from No Use District to Low Density Residential District, a Rezoning

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request from No Use District to Medium Density Residential District and two separate Planned Development Designation requests. (See companion items #05PL022, 05AN001, 05CA011, 05RZ013, 05RZ014, 05RZ015, 05PD005 and 05PD006.)

The property is located between 143<sup>rd</sup> Avenue and W. Nike Road on the north side of Country Road. Currently, a single family residence is located in the southern portion of the subject property.

**STAFF REVIEW:**

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

**Plat Revisions:** The Layout Plat identifies LaCrosse Street extending through the middle of the subject property. LaCrosse Street is identified as a principal arterial street on the City's Major Street Plan. However, the Layout Plat identifies four residential lots with direct access onto LaCrosse Street. In addition, four of the proposed streets intersecting with LaCrosse Street do not provide the minimum separation between streets along a principal arterial street. As such, staff is recommending that the Layout Plat be revised to eliminate direct access onto LaCrosse Street and to provide the minimum separation requirement between intersections. Revising the Layout Plat as proposed may significantly change the road networking and lot configuration of the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the March 24, 2005, Planning Commission meeting to be heard in conjunction with the associated revised Layout Plat.

**Country Road:** Country Road is located along the south lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Country Road is located in a 66 foot wide right-of-way with an approximate 20 foot wide paved surface. As Country Road is an existing constructed and improved (paved) road, the developer has not generally been required to improve the existing road; rather they have been required to sign a waiver of right to protest an assessment project. This would insure that the property owners will participate in future improvements. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

**W. Nike Road:** W. Nike Road is located along the west lot line of the subject property and is classified as a collector street on the City's Major Street Plan requiring that they be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer.

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Currently, W. Nike Street is located in a 66 foot wide right-of-way and constructed with a 20 foot wide paved surface. As noted above, the developer has not generally been required to improve the existing road when it is an existing constructed and improved (paved) road; rather they have been required to sign a waiver of right to protest an assessment project. This would insure that the property owners will participate in future improvements. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Please note that a consultant for the City has provided a utility Master Plan that identifies a sewer trunk line being extended through the subject property. However, the trunk line is not shown within either Country Road or W. Nike Road right-of-way.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has received several telephone calls inquiring about this request. One of the callers voiced concern with waiving the required street improvements. The balance of the callers did not voice support or opposition to the request.