

STAFF REPORT  
April 20, 2006

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**No. 06SV017 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Airport Road and Aviation Road as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 28**

GENERAL INFORMATION:

PETITIONER	Davis Engineering for Bernita White
REQUEST	<b>No. 06SV017 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Airport Road and Aviation Road as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A1 and A2 of Bar P-S Subdivision, formerly Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 25 acres
LOCATION	Adjacent to the southwest curve of North Airport Road
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Airport District
South:	General Agriculture District (Pennington County)
East:	General Commercial District (Pennington County)
West:	Airport District
PUBLIC UTILITIES	Private water, sewer
DATE OF APPLICATION	3/24/2006
REVIEWED BY	Mike Maxwell / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Airport Road and to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, and sewer

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along Aviation Road as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code be approve with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements along Airport Road and Aviation Road as it abuts the subject property;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement along Aviation Road be denied.

GENERAL COMMENTS: The applicant submitted an application for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, water, sewer, and pavement on Aviation Road and Airport Road.

This Subdivision Variance has been submitted in conjunction with a request by the applicant for a Preliminary Plat to create two lots Lot 1A and Lot 2A from the existing parcel. (See companion item #06PL028).

The property is located adjacent to the southwest curve of Airport Road.

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

Airport Road; Airport Road is located along the western lot line of proposed Lot A1 and A2. It is classified as a arterial street requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 24 foot wide paved lane, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Airport Road is located in a 100 foot wide right-of-way and constructed with an approximate 48 foot wide paved surface. However there is no curb, gutter, sidewalk, street light conduit, water or sewer currently located in Airport Road. Requiring the installation of curb, gutter, sidewalk, street light conduit, water and sewer on Airport Road would create a discontinuous road section. Staff is recommending that the Variance to the Subdivision Regulations to waive the 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 assessments for those improvements.

Aviation Road; Aviation Road is located along the southern lot line of proposed Lot A2. It is classified as a lane/place street requiring that the street be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Aviation Road is located in a 30 foot wide right-of-way and constructed with an approximate 20 foot wide graveled surface. Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install pavement along Aviation Road as it abuts the subject property be denied as this would provide a continuous paved road section from the intersection with Airport Road to the boundary of the applicant's property. Staff is recommending that the

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Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, street light conduit, sidewalks, water and sewer be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for those improvements. Staff is supporting this portion of the request as the connecting section of Airport Road does not have curb, gutter, sidewalk, street light conduit, water and sewer.

Legal Notification Requirement: The receipts from the certified mailings have not been returned as of this writing. Staff will notify the Planning Commission at the April 20, 2006 Planning Commission meeting if the requirement is not met.