

STAFF REPORT

June 22, 2006

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**No. 06SV032 - Variance to the Subdivision Variance to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 38**

GENERAL INFORMATION:

PETITIONER	Robert and Jeanine Nikolas
REQUEST	<b>No. 06SV032 - Variance to the Subdivision Variance to waive the requirement to install curb, gutter, sidewalk, street light conduit, water sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 21, Block 2, Moon Meadows Estates, Section 33, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 21A, 21B and 21C of Block 2, Moon Meadows Estates, formerly Lot 21, Block 2, Moon Meadows Estates, Section 33, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4 acres
LOCATION	4265 Moon Meadows Drive
EXISTING ZONING	Suburban Residential District
SURROUNDING ZONING	
North:	Suburban Residential District
South:	Suburban Residential District
East:	Suburban Residential District
West:	Suburban Residential District
PUBLIC UTILITIES	Proposed Colonial Pines water and private sewer
DATE OF APPLICATION	5/16/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, and pavement along Dunsmore Road 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 future assessment for the improvements;

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Staff recommends that the Variance to the Subdivision Regulations to waive the installation of water and sewer along Dunsmore Road as per Chapter 16.16 of the Rapid City Municipal Code be denied;

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, and sidewalk along Peridot Lane 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 future assessment for the improvements; and,

Staff recommends that the Variance to the Subdivision Regulations to waive the installation of water, sewer, and pavement along Peridot Lane as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer and pavement along the subject property. In addition, the applicant has submitted a Layout Plat to create three lots (See associated item 06PL077.)

The property is located at the northeast corner of the intersection of Dunsmore Road and Peridot Lane. Currently, the subject property is void of structural development.

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

Dunsmore Road: Dunsmore Road is located along the west side of the subject property and is classified as an arterial street requiring a minimum 100 foot right-of-way and constructed to a collector standard road. Currently, Dunsmore Road is an approximate 24 foot wide paved surface with no curb, gutter, sidewalk, streetlight conduit, water or sewer. Staff noted that there is no curb, gutter, sidewalk, and streetlight conduit along Dunsmore Road to connect with and additional pavement would create a discontinuous road section. Staff is recommending that the Variance to the Subdivision Regulations to waive the improvements of curb, gutter, sidewalk, streetlight conduit, and sewer on Dunsmore Road be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for the improvements. Staff is also recommending that due to the anticipated development of this area and the location of existing water and sewer services that the Variance to the Subdivision Regulations to waive water and sewer on Dunsmore Road be denied.

Peridot Lane: Peridot Lane is located along the south side of the subject property and is classified as a lane/place street requiring a minimum 49 foot right-of-way and constructed with a 24 foot paved surface. Currently, Peridot Lane is an approximate 14 foot wide gravel

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surface with no curb, gutter, sidewalk, streetlight conduit, water or sewer. Staff noted that there is no existing curb, gutter, sidewalk, and streetlight conduit on Peridot Lane and Dunsmore Road to connect with. Staff is recommending that the Variance to the Subdivision Regulations to waive the improvements of curb, gutter, sidewalk, and streetlight conduit on Peridot Lane be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for the improvements. Since paving Peridot Lane would provide a continuous paved road section from the intersection with Dunsmore Road and due to the anticipated development of the area and the existing location of water and sewer services staff is recommending that the Variance to the Subdivision Regulations to waive water, sewer, and pavement along Peridot Lane be denied.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify Planning Commission at the June 22, 2006 meeting if this requirement has not been met.