

STAFF REPORT  
July 27, 2006

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**No. 06SV031 - Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, street light conduit, sidewalk and sewer as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 67**

GENERAL INFORMATION:

PETITIONER	Patricia Jo Meredith
REQUEST	<b>No. 06SV031 - Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, street light conduit, sidewalk, pavement and sewer as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 3, Meredith Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.0 acres
LOCATION	7601 Pioneer Circle
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Low Density Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	private sewer and water
DATE OF APPLICATION	5/12/2006
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 sewer along Pioneer Circle 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 additional pavement along Pioneer Circle 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, sidewalk, and sewer along Bighorn 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; and,

Staff recommends that the Variance to the Subdivision Regulations to waive the installation of pavement along Bighorn Road as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

**This staff report has been revised as of July 17, 2006. All revised and/or added text is shown in bold print.** 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 a three acre lot and a seven acre lot (See associated item 06PL069.)

The property is located near the northwest corner of the intersection of Clarkson Road and Pioneer Circle. Currently a single family residence is located on the subject property.

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

Pioneer Circle: Pioneer Circle is located along the south side of the subject property and is classified as a sub-collector street requiring a minimum 52 foot right-of-way and constructed with a 27 foot paved surface. Currently, Pioneer Circle is an approximate 20 foot wide paved surface with no curb, gutter, sidewalk, streetlight conduit, water or sewer. To require the additional improvements of curb, gutter, sidewalk, streetlight conduit, and sewer on Pioneer Circle 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 Pioneer Circle be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for the improvements and the Variance to the Subdivision Regulations to waive the pavement be denied.

Bighorn Road: Bighorn Road 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, Bighorn Road is an approximate 14 foot wide gravel surface with no curb, gutter, sidewalk, streetlight conduit, water or sewer. To require the additional improvements of curb, gutter, sidewalk, streetlight conduit, and sewer on Bighorn Road 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 Bighorn Road be approved with the stipulation that the applicant sign

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a Waiver of Right to Protest any future assessments for the improvements and the Variance to the Subdivision Regulations to waive the pavement be denied.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has received one call but no objections to this variance request.

On June 8, 2006 this item was continued to the June 22, 2006 Planning Commission Meeting in conjunction with the Layout Plat (06PL069) to allow the applicant time to submit the required information. On June 22, 2006 this item was continued to the July 6, 2006 Planning Commission Meeting in conjunction with the Layout Plat (06PL069) to allow the applicant time to submit the required information. **On July 6, 2006 this item was continued to the July 27, 2006 Planning Commission Meeting in conjunction with the Layout Plat (06PL069) to allow the applicant time to submit the required information. As of July 17, 2006 the required information has not been submitted. Staff would also note that this item has been continued numerous times and if the required information is not brought forward prior to the August 10, 2006 Planning Commission Meeting staff would recommend that this item be denied without prejudice at that time.**