

STAFF REPORT  
July 27, 2006

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**No. 06SV043 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer, and screen planting easement as per Chapter 16 of the Rapid City Municipal Code**

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**ITEM 50**

GENERAL INFORMATION:

PETITIONER	D. C. Scott Surveyors, Inc. for William M. Jobgen
REQUEST	<b>No. 06SV043 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer, and planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 6, Pleasant View Subdivision, located in the SE1/4 SE1/4, Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Lot 6, Pleasant View Subdivision, located in the SE1/4 SE1/4, Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.76 acres
LOCATION	3009 Crane Drive
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	6/30/2006
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and additional pavement width along Crane Drive as per Chapter 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

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future assessments for the improvements.

That the Variance to the Subdivision Regulations to waive the requirement to provide a screen planting easement be denied.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer; and to waive the requirement to provide a screen planting easement as per Chapter 16 of the Rapid City Municipal Code along the subject property. In addition, the applicant has submitted a Preliminary Plat to create two lots approximately 1.5 acres and 1.2 acres in size, respectively. (See associated item 06PL104.)

The property is located east of Crane Drive in the Pleasant View Subdivision. Currently, there is a mobile home located on the subject property.

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

Crane Drive: Crane Drive is located along the western lot line and is classified as a lane/place 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, Crane Drive is located in a 50 foot wide right-of-way and constructed with an approximate 20 foot wide paved surface. To require the improvements on Crane Drive would create a discontinuous road section. Staff is recommending that the Variance to the Subdivision Regulations to waive the improvements as requested be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for the improvements.

Screen Planting: Staff noted that Section 16.12.030 (E) states that a subdivision which abut, or include within the proposed area to be subdivided, any highway or arterial street, shall provide reverse frontage with screen planting contained in a non-access reservation along the rear property line. Since Crane Drive is classified as lane/place street and not a highway or arterial street no screen planting easement is required. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a screen planting easement be denied.

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 July 27, 2006 Planning Commission meeting if this requirement is not met.