

STAFF REPORT  
September 7, 2006

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**No. 06SV039 - Variance to the Subdivision Regulations to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 26**

GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST	<b>No. 06SV039 - Variance to the Subdivision Regulations to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The unplatted portion of the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 5 of Block 1, Lots 1 thru 10 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 and 26 of Block 6, Lot 1 of Block 7, Lots 1 and 36 thru 41 of Block 8, Lots 1 thru 11 of Block 9, Lots 1 thru 13 of Block 10, Lots 1 thru 30 of Block 11 and Lot A and Lots 1 thru 23 of Block 12 and Dedicated Right-of-Way located in the E1/2 NE1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 80.85
LOCATION	East of the intersection of Elk Vale Road and Old Folsom Road
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential II - District (Planned Residential Development)
South:	Light Industrial District - Limited Agriculture District - General Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Low Density Residential II District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/9/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **September 21, 2006** Planning Commission meeting to be heard in conjunction with an associated Preliminary Plat.

GENERAL COMMENTS:

**(Update, August 28, 2006. All revised and/or added text is shown in bold print.) This item was continued at the August 24, 2006 Planning Commission meeting to be heard in conjunction with a Preliminary Plat. To date, the applicant has not submitted all of the information needed for the Preliminary Plat. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the September 21, 2006 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.**

(Update, August 13, 2006. All revised and/or added text is shown in bold print.) This item was continued at the August 10, 2006 Planning Commission meeting to allow the applicant to submit additional information. On July 31, 2006, the applicant submitted a request to allocate water and sewer service usage from Elks Country Estates to Elks Meadows Subdivision. The request was, subsequently, routed to staff for review and comment. The Public Works Director has indicated support of the concept but the City's Attorney's Office has indicated that issues arise regarding the legality and proper process for reallocating the utilities as proposed. Staff will be meeting to review the available options and will continue to work with the applicant regarding this matter.

On August 7, 2006, the City Council approved a request for authorization to prepare an H-Lot, to be known as Mossberg Street, and authorized acceptance of the deed(s).

Staff is recommending that this item be continued to the September 7, 2006 Planning Commission meeting to allow the applicant to submit the outstanding additional information outlined in the Staff Report and to allow the City to work with the applicant regarding the legality and proper process for reallocating the utilities as proposed.

(Update, July 31, 2006. All revised and/or added text is shown in bold print.) This item was continued at the July 27, 2006 Planning Commission meeting to be heard in conjunction with an associated Preliminary Plat. On July 20, 2006, staff met with the applicants and their consultant to discuss outstanding issues. It was identified that the applicant would submit a Memorandum of Understanding to be reviewed and approved by the Public Works Committee and City Council identifying that the owner of Elks Country Estates, Dennis Zanstra Real Estate Holdings, concurs with the transfer of water usage from Elks Country Estates to Elks Meadows Subdivision. On July 31, 2006, the applicant submitted a request to allocate water and sewer service as identified. In addition, the applicant has submitted a revised H Lot and street alignment for Mossberg Street to be considered by the City Council on August 7, 2006. Staff is recommending that this item be continued to the August 24, 2006 Planning Commission meeting to allow the applicant to submit all of the outstanding additional information. Please note that no other part of this Staff Report has been revised.

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(Update, July 14, 2006. All revised and/or added text is shown in bold print.) This item was continued at the July 6, 2006 Planning Commission meeting to be heard in conjunction with an associated Preliminary Plat. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the August 10, 2006 Planning Commission meeting to allow the applicant to submit the additional information. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into 108 lots as Phase One of the Elk Meadows Subdivision, leaving an unplatted non-transferable balance. (See companion item #06PL090.)

On August 15, 2005, the City Council approved a Layout Plat to subdivide the subject property into 265 residential lots. On April 17, 2006, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along a temporary street with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;
2. The street shall be constructed with a minimum 24 foot wide paved surface; and,
3. The street shall be located in dedicated right-of-way and/or an easement. If the street is to be located within an easement, then an Exception to the Street Design Criteria Manual shall be obtained to allow an easement to serve more than four properties.

The property is located at the southern terminus of Jolly Lane and is currently void of any structural development.

**STAFF REVIEW:**

During the review of the associated Preliminary Plat, staff noted that additional information must be submitted for review and approval in order to adequately review the item. Staff is recommending that the Variance to the Subdivision Regulations be continued to the **September 21, 2006 Planning Commission meeting** to be heard in conjunction with the Preliminary Plat.