

STAFF REPORT  
October 5, 2006

---

**No. 06SV056 - Variance to the Subdivision Regulations to waive the requirement to install a planting screen easement along East Minnesota Street as per Chapter 16 of the Rapid City Municipal Code**

---

**ITEM 31**

GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST	<b>No. 06SV056 - Variance to the Subdivision Regulations to waive the requirement to install a planting screen easement along East Minnesota Street as per Chapter 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
PARCEL ACREAGE	Approximately 80.85 acres
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:	Limited Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/1/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install a planting screen easement along East Minnesota Street as it abuts Lot 1, Block 1, Elks Meadows Subdivision as per Chapter 16 of the Rapid City Municipal Code be approved for the proposed approach location only.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install a planting screen easement along E. Minnesota Street as it abuts Lot 1, Block 1, Elks Meadows Subdivision.

STAFF REPORT  
October 5, 2006

---

**No. 06SV056 - Variance to the Subdivision Regulations to waive the requirement to install a planting screen easement along East Minnesota Street as per Chapter 16 of the Rapid City Municipal Code**

---

**ITEM 31**

On September 9, 2006, the Planning Commission approved a Layout Plat to subdivide the subject property into 108 lots as Phase One of the Elks Meadows Subdivision, leaving an unplatted non-transferable balance. The City Council will consider this item at the October 2, 2006 City Council meeting. (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:**

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

**Planting Screen Easement:** Chapter 16.12.190.E of the Rapid City Municipal Code states that "Along the line of lots abutting such traffic artery or any other such disadvantageous feature, the subdivider shall put in a planting screen easement of not less than ten feet in width, across which no right of access shall be provided". The associated Preliminary Plat identifies E. Minnesota Street along the north lot line of the subject property. E. Minnesota Street is classified as a minor arterial street requiring that a planting screen easement be dedicated along those lots abutting the street. The Preliminary Plat identifies a planting screen easement along E. Minnesota Street with the exception of Lot 1, Block 1. Requiring a planting screen easement along this lot would preclude any access to the lot since a planting screen easement does not allow access across the easement. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement along Lot 1, Block 1 be approved for the proposed approach location only.

**Legal Notification Requirement:** The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 5, 2006 Planning Commission meeting if this requirement is not met.