

STAFF REPORT  
November 22, 2006

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**No. 06SV067 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 44**

GENERAL INFORMATION:

PETITIONER	CETEC Engineering for Franklin O. Simpson
REQUEST	<b>No. 06SV067 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The unplatted portion of the NE1/4 SE1/4, Section 27, T2N, R7E; and the NW1/4 SW1/4, Section 26 T2N, R7E, less part of Tract B and less Tract C, Wesleyan Christian, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.97 acres
LOCATION	Southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive
EXISTING ZONING	Medium Density Residential District - General Agriculture District
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development Designation)
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/13/2006
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along an access easement as per Chapter 16.16 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

**(Update, November 10, 2006. All revised and/or added text is shown in bold print.)  
This item was continued at the November 9, 2006 Planning Commission meeting to**

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**allow the applicant to meet with the adjacent property owner to discuss access issues. In particular, the adjacent property owner has indicated that access through the subject property should be provided as a part of Phase One of the development and not as a part of a later phase. Please note that no other part of this Staff Report has been revised.**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide curb, gutter and sidewalk along both sides of an access easement. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into 12 townhome lots and two single family residential lots. The applicant has also submitted an Initial and Final Planned Residential Development to allow 12 townhomes and two single family residences to be constructed on the subject property. In addition, the applicant has submitted a Comprehensive Plan Amendment to relocate a minor arterial street along the western portion of the subject property. (See companion items #06PL132, 06PD061 and 06CA036.)

The property is located southwest of the intersection of Harmony Heights Lane and Sunny Springs Drive. Currently, a single family residence is located on the property.

**STAFF REVIEW:**

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

**Existing Access Easement:** An existing access easement is located along the eastern lot line of the associated Layout Plat and serves as access to the adjacent apartment complex and the single family residence located on the unplatted balance of this parcel that will be left as a result of this plat. The street is classified as a lane place street and has been constructed with a 20 foot wide paved surface, street light conduit, sewer and water. In addition, curb, gutter and sidewalk have been constructed along the east side of the street. The applicant is requesting a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along the west side of the street. In addition, the applicant has submitted a site plan demonstrating that the adjacent ditch section has been designed and constructed to handle the drainage along this section of the street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter be approved.

The applicant has also indicated that the existing sidewalk along the east of the street provides pedestrian access for the apartment complex tenants. Staff has also noted that the Layout Plat identifies an internal street along the front of each lot which will be constructed with sidewalks on both side(s). This sidewalk will provide pedestrian access within the proposed development and provide a place for children to play in front of each of the residence(s). As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the west side of the street be approved.

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Legal Notification Requirement: The white slips and green cards from the certified mailings have been returned. As of this writing, staff has not received any calls of inquiry regarding this proposal.