

STAFF REPORT  
February 22, 2007

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**No. 07SV002 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and reduce the right-of-way as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 33**

GENERAL INFORMATION:

PETITIONER	Boschee Engineering for Scott Zandstra
REQUEST	<b>No. 07SV002 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and reduce the right-of-way as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 2E, less right-of-way of the SW1/4 of the SE1/4, Section 7, T1S, R7E, BHM, and a portion of the NW1/4 of the NE1/4, Section 18, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Block 1 of Paradise Pines Subdivision, located in the SW1/4 of the SE1/4, Section 7, and the NW1/4 of the NE1/4, Section 18, all located in T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.43 acres
LOCATION	Southwest of the intersection of Wilderness Canyon Road and U.S. Highway 16
EXISTING ZONING	Planned Unit Development District (Pennington County)
SURROUNDING ZONING	
North:	Highway Services District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	1/26/2007
REVIEWED BY	Jonathan Smith / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along U.S. Highway

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16 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 of the improvements.

That the Variance to the Subdivision Regulations to waive the requirement to reduce the right of way width along U.S. Highway 16 be denied without prejudice.

GENERAL COMMENTS:

A Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, sidewalk, street light conduit, water and sewer and to waive the requirement to dedicate additional right of way has been submitted for review and approval. In addition, the applicant has submitted a Layout Plat to subdivide the subject property creating a 6.43 acre lot to be known as Lot 1 of Block 1 of Paradise Pines. The proposed Layout Plat is not located within the municipal boundaries of the City of Rapid City; however a small portion of the subject property is located within the City of Rapid City's three mile platting jurisdiction. (See companion item No. 07PL013.)

The property is located southwest of the intersection of Wilderness Canyon Road and U.S. Highway 16. In addition, the subject property is zoned Planned Unit Development District by Pennington County. Currently, the property is void of any structural development.

STAFF REVIEW:

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

U.S. Highway 16: U.S. Highway 16 is located along the north lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, U.S. Highway 16 is located in an approximate 270 foot wide right-of-way and constructed with two 30 foot wide paved street sections. Requiring that U.S. Highway 16 be improved with curb, gutter, sidewalk, street light conduit, water and sewer as it abuts the subject property will create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

As noted above, U.S. Highway 16 is located in an approximate 270 foot wide right-of-way exceeding the minimum required 100 foot wide right-of-way for a principal arterial street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied without prejudice.

Staff is recommending that upon submittal of a Preliminary Plat application, construction plans for U.S. Highway 16 be submitted for review and approval. In particular, the plans must show the street constructed with curb, gutter, water, sewer, sidewalk and street light conduit or obtain

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a Variance to the Subdivision Regulations.

The applicant has submitted a Layout Plat to create a 6.43 lot known as Lot 1. Only a portion of the proposed lot consisting of .6 acres lies within the three mile platting jurisdiction. This portion within the platting jurisdiction lies in the northeast portion of the property and abuts the U.S. Highway 16 service road. The applicant is required to construct curb, gutter, sidewalk, water, sewer, and street light conduit along this section of U.S Highway 16 service road that lies within the platting jurisdiction or obtain a Variance to the Subdivision Regulations.

Legal Notification Requirement: As of this writing, the white slips from the certified mailings nor the green cards have not been returned. Staff will notify the Planning Commission at the February 22, 2007 Planning Commission meeting if this requirement has not been met.