

STAFF REPORT  
March 8, 2007

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**No. 07SV006 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 24**

GENERAL INFORMATION:

PETITIONER	Joe L. Ratigan
REQUEST	<b>No. 07SV006 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the the section line highway as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The NE1/4 NE1/4 NE1/4, and the SE1/4 NE1/4 NE1/4, Section 14, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20 acres
LOCATION	8109 and 8115 West Highway 44
EXISTING ZONING	General Agriculture District - Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial 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	2/9/2007
REVIEWED BY	Jonathan Smith / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement as per Chapter 16.16 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 future assessment of the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, and to dedicate additional right

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of way along the section line highways. The applicant currently owns two adjoining ten acres parcels; both parcels each have a single family residence located upon them. The applicant owns both single family residences on the subject property. The applicant resides in the single family residence on the southern parcel, and utilizes the single family residence on the northern parcel as rental property. The applicant has acknowledged that he would like to subdivide his property into a 17 acre lot and a 3 acre lot in order to obtain a more flat grazing area for his horses.

The subject property is located south of the intersection of Cavern Road and West Highway 44. Current zoning of the subject property consist of General Agriculture on the northern ten acre tract, and Limited Agriculture on the southern ten acre tract. The subject property does not lie within the municipal boundaries of the City of Rapid City, however it does lie within the City of Rapid City Three Mile Platting Jurisdiction. A Layout Plat (07PL024) application has been filed in conjunction with this variance request.

STAFF REVIEW:

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

Section Line Highway

The subject property is bounded by section line highways on the northern boundary and eastern boundary. The applicant has submitted documentation showing that southern 33 feet of the northern boundary of section line highway was vacated by Pennington County on August 18, 1987. The section line highway on the eastern boundary provides access to a single family residence structure, which lies on the southern ten acre parcel. A driveway currently provides access to the single family residence on the northern ten acre parcel. This driveway is not associated with any section line highway. Upon platting the property the applicant is required to construct the section line highway to City standards including curb, gutter, sidewalk, street light conduit, water, sewer, and 27 foot pavement width. In addition the section line highway must be dedicated, vacated, or a Variance to the Subdivision Regulations shall be obtained.

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 March 8, 2007 Planning Commission meeting if this requirement has not been met.

Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the the section line highways be approved with the stipulation that prior to City Council approval, the applicant signs a waiver of right to protest any future assessment for the improvements.