

STAFF REPORT

April 5, 2007

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**No. 06SV075 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway and to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 21**

GENERAL INFORMATION:

PETITIONER	Renner & Associates for Rob Livingston
REQUEST	<b>No. 06SV075 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway and to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Tract A of Government Lot 1 and Tract A of Government Lot 2, Section 18, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 15 of Block 1 of Blake Estates Subdivision, Section 18, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 35.203 acres
LOCATION	North of the intersection of West Highway 44 and Blake Road
EXISTING ZONING	Public Use District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Limited Agriculture District - Low Density Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Canyon Sanitary Sewer District/Community Water
DATE OF APPLICATION	12/8/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

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**ITEM 21**

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 the Section Line Highway and to waive the requirement to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be continued **to the May 24, 2007 Planning Commission meeting at the applicant's request.**

GENERAL COMMENTS:

**(Update, March 24, 2007. All revised and/or added text is shown in bold print.) This item was continued at the January 4, 2007 Planning Commission meeting to allow the applicant to submit additional information. On March 22, 2007 the applicant requested that this item be continued to the May 24, 2007 Planning Commission meeting to allow them additional time to submit the additional information as identified below. As such, staff is recommending that this item be continued to the May 24, 2007 Planning Commission meeting as requested by the applicant.**

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 pavement along the section line highways located along the north lot line and the west lot line of the subject property. In addition, a Variance to the Subdivision Regulations to allow a lot twice as long as wide has been submitted. The applicant has also submitted a Preliminary Plat to subdivide the subject property into 15 residential lots. (See companion item number 06PL176.)

On August 7, 2006, the City Council approved a Layout Plat to subdivide the subject property into 15 residential lots. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement extending north of Blake Road, to install curb, gutter sidewalk, street light conduit along Blake Road with the stipulation that an alternate walking path be provided, and, to install curb, gutter sidewalk, street light conduit, water, sewer and additional pavement along West S.D. Highway 44 with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

On May 23, 2006, the County Board of Commissioners approved a Planned Unit Development request to allow 15 single family residential lots with one common lot on the subject property.

The property is located approximately one-half mile west of the City limits of Rapid City on the north side of West S.D. Highway 44. Currently, the property is void of any structural development.

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STAFF REVIEW:

As noted above, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve the section line highways. However, during the review of the Layout Plat, staff informed the applicant that the Vacation of the section line highways would be the preferred method for addressing the section line highway issue. To date, the applicant has not provided any information indicating that the Vacation of the section line highways is not possible. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to allow the applicant to vacate the section line highway or demonstrate that the adjacent property owner(s) oppose the vacation request.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the **April 5, 2007** Planning Commission meeting if this requirement is not met. Staff has **received three calls of inquiry regarding this proposal.**