

STAFF REPORT
September 6, 2007

No. 07SV046 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sewer, water, street light conduit and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code **ITEM 37**

GENERAL INFORMATION:

APPLICANT	Stephen E. Hilton
AGENT	Gary Renner for Renner & Associates
PROPERTY OWNER	Stephen Hilton
REQUEST	No. 07SV046 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sewer, water, street light conduit and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Tract A of Palmer Subdivision and the SW1/4 of the NW1/4, located in the SW1/4 of the NW1/4, SE1/4 of the NW1/4, and the NE1/4 of th SW1/4, Section 14, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Hilton Tract of Palmer Subdivision, located in the SW1/4 of the NW1/4, SE1/4 of the NW1/4, and the NE1/4 of th SW1/4, Section 14, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 77.250 acres
LOCATION	22550 Potter Road
EXISTING ZONING	General Agriculture District - Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District - Limited Agriculture District (Pennington County)
South:	Low Density Residential District - Suburban Residential District (Pennington County)
East:	General Agriculture District
West:	Limited Agriculture District - Low Density Residential District (Pennington County)
PUBLIC UTILITIES	Private water and sewer

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DATE OF APPLICATION 8/10/2007

REVIEWED BY Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sewer, water, street light conduit and sidewalk 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 for the improvements.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sewer, water, street light conduit and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code along Palmer Road as it abuts the property. In addition, the applicant has submitted a Preliminary Plat a Preliminary Plat to combine two lots into one 76 acre lot (See associated item #07PL106).

The property is east of Potter Road and north of Palmer Road. 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:

Palmer Road: Palmer Road is located along the south lot line of the property and is classified as a subcollector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. Currently, Palmer Road has a 66 foot wide right-of-way with an approximate 20 foot wide chip seal surface. Requiring the construction of additional pavement, curb, gutter and sidewalk as it abuts the subject property will result in a discontinuous street section. In addition, the applicant is proposing to reduce the density of the development by combining two lots into one lot. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sewer, water, street light conduit and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code be approved as requested with the stipulation that the applicant sign a Waiver of Right to Protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have been returned.