

STAFF REPORT  
September 6, 2007

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**No. 07SV047 - Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb, gutter, pavement, sidewalk, street light conduit and to waive the requirement to dedicate the Right-of-way along the Section line highway as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 38**

GENERAL INFORMATION:

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| APPLICANT                     | Schriner Investments, LLC  |
| AGENT                         | Doug Sperlich for Sperlich Consulting, Inc.  |
| PROPERTY OWNER                | Schriner Investments, LLC  |
| REQUEST                       | <b>No. 07SV047 - Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb, gutter, pavement, sidewalk, street light conduit and to waive the requirement to dedicate the Right-of-way along the Section line highway as per Chapter 16.16 of the Rapid City Municipal Code</b> |
| EXISTING<br>LEGAL DESCRIPTION | A portion of the NE1/4, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota   |
| PROPOSED<br>LEGAL DESCRIPTION | Lots 1 thru 6 of Block 1, Lots 1 thru 5 of Block 2 and Lot 1 of Block 3 of Medicine Ridge Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota  |
| PARCEL ACREAGE                | Approximately 12 acres   |
| LOCATION                      | Southwest of the intersection of Enchanted Pines Drive and Stumer Road   |
| EXISTING ZONING               | Low Density Residential District   |
| SURROUNDING ZONING            |  |
| North:                        | General Agriculture District   |
| South:                        | Low Density Residential District   |
| East:                         | Low Density Residential District   |
| West:                         | General Agriculture District   |
| PUBLIC UTILITIES              | To be Extended   |
| DATE OF APPLICATION           | 8/10/2007  |

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**ITEM 38**

REVIEWED BY

Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb, gutter, pavement, sidewalk, street light conduit and to waive the requirement to dedicate the Right-of-way along the Section line highway as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb, gutter, pavement, sidewalk, street light conduit and to waive the requirement to dedicate the Right-of-way along the section line highway. The property is located at the western terminus of Stumer Road and north of Enchantment Road. The property is currently void of any structural development. Current zoning of the property is Low Density Residential. Land located north and west of the property is zoned General Agricultural District. Land located south and east of the property is zoned Low Density Residential District. The applicant has submitted an associated Preliminary Plat application to subdivide a twelve acre parcel into twelve lots ranging in size from 0.275 acres to 1.43 acres. The associated Preliminary Plat application has been submitted for approval by the Planning Commission.

STAFF REVIEW:

A north-south section line highway abuts on the eastern boundary of the property. The section line highway is classified by the Street Design Criteria Manual as a Lane/ Place street requiring a 49 foot right-of-way, and a minimum 26 feet of pavement. In addition as part of the platting process the applicant is required to install water, sewer, curb, gutter, pavement, sidewalk, street light conduit, and dedicate right-of-way along the section line highway, or obtain a Variance to the Subdivision Regulations.

Staff has noted that the section line highway abutting on the eastern boundary of the property has been previously vacated. A 610 feet portion of the section line highway was vacated (#06VR008) by City Council on October 16, 2006. The remaining 250 feet portion of the section line highway that abuts the property was vacated (#06VR010) by City Council on January 15, 2007. Staff has noted that since the abutting section line highway has been vacated, the applicant is not required to install the improvements or dedicate right-of-way. For this reason staff recommends that the Variance to the Subdivision Regulations request be denied without prejudice.