

STAFF REPORT  
November 4, 2010

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**No. 10SV022 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 16**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	LLB Investment Limited Partnership
REQUEST	<b>No. 10SV022 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1R and Lot 2 of Heavlin No. 2 Addition
PARCEL ACREAGE	Approximately 22.9 acres
LOCATION	23299 South Airport Road
EXISTING ZONING	General Commercial District - General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District - General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	10/8/2010
REVIEWED BY	Vicki L. Fisher / Karley Halsted

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 as per

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Chapter 16.16 of the Rapid City Municipal Code be continued to the November 18, 2010, Planning Commission meeting.

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 pavement along South Airport Road, the section line highway and the abutting access easement. In addition, the applicant has submitted a Preliminary Plat (File #10PL075) to plat the three properties into two lots. The proposed subdivision is to be known as Lots 1R and Lot 2 of Heavlin No. 2 Addition.

On October 21, 2010, the Planning Commission acknowledged the withdrawal of a Layout Plat (File #10PL054) to plat a portion of the property into two lots, leaving an unplatted balance. The applicant has subsequently submitted the associated Preliminary Plat to create two lots which incorporates the unplatted balance.

The property is located approximately 100 feet south of the intersection of S.D. Highway 44 and South Airport Road on the west side of South Airport Road. Currently, a single family residence and a shed are located on proposed Lot 1R. In addition, several sheds are currently located on proposed Lot 2.

STAFF REVIEW:

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

Street Improvements: The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along South Airport Road, the north-south section line highway and a 20 foot wide private access easement as they abut the property. To date, the applicant has not submitted water and/or wastewater information to support waiving the requirement to install water and sewer mains along the South Airport Road, the north-south section line highway or the 20 foot wide private access easement. In addition, the applicant has indicated that the 20 foot wide private access easement will be vacated. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the November 18, 2010, Planning Commission meeting to allow the applicant to submit water and wastewater information and to submit a written notice withdrawing the Variance to the Subdivision Regulations to waive the requirement to improve the 20 foot wide private access easement since it is being vacated.

The applicant should be aware that, in the past, the City Council generally has not supported a Variance to the Subdivision Regulations to waive the requirement to improve a section line highway when it has been determined that a street is not needed within the section line highway and when the section line highway does not provide access to public property. More generally, the City Council has required that the section line highway be

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vacated.

Legal Notification Requirement: The white slips from the certified mailings have been returned. Staff has not received any calls of inquiry for this application.