

STAFF REPORT

June 6, 2002

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**No. 02SV027 - Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, street light conduit, dry sewer and water, and pavement as required by Chapter 16.16 of the Municipal Code**

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**ITEM 50**

GENERAL INFORMATION:

|                            |  |
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| PETITIONER                 | Doug Sperlich for Rushmore Electric  |
| REQUEST                    | <b>No. 02SV027 - Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, street light conduit, dry sewer and water, and pavement as required by Chapter 16.16 of the Municipal Code</b> |
| EXISTING LEGAL DESCRIPTION | A portion of the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota  |
| PROPOSED LEGAL DESCRIPTION | Tract C located in the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota  |
| PARCEL ACREAGE             | Approximately 2.00 acres   |
| LOCATION                   | On Cabot Hill  |
| EXISTING ZONING            | County   |
| SURROUNDING ZONING         |  |
| North:                     | County/General Agriculture District  |
| South:                     | County/General Agriculture District  |
| East:                      | County/General Agriculture District  |
| West:                      | County/General Agriculture District  |
| PUBLIC UTILITIES           | None existing  |
| DATE OF APPLICATION        | 05/09/2002   |
| REPORT BY                  | Vicki L. Fisher  |

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, street light conduit, dry sewer and water, and pavement as required by Chapter 16.16 of the Municipal Code be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve an existing 40 foot wide private access easement to City street

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standards. The applicant has also submitted a Layout, Preliminary and Final Plat to create a two acre lot from an approximate 108 acre unplatted parcel as an accessory item to the Subdivision Regulations Variance request. (See companion item #02PL048.)

The property is located approximately three-fourths of a mile west and north of Mall Drive. Currently, a communication tower with a 40 foot X 80 foot accessory structure is located on the subject property.

**STAFF REVIEW:**

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

Access: Currently, a forty foot wide private access easement serves as legal access to the subject property. A dirt trail is currently located within the easement. As noted in the associated Layout, Preliminary and Final Plat review, in 1999 and again in 2001, the City Council approved two similar plats to create a 1.5 acre lot and a 2.0 acre lot, respectively, on property located directly north of the subject property. The 40 foot wide private access easement also serves as access to these lots. In association with the previously approved plats, a Variance to the Subdivision Regulations to waive all street improvements was also granted with the stipulation that the use of the lots be limited to a communication tower and accessory structures. The Planning Commission and the City Council noted that the use of the lot(s) as a communication tower site, will result in limited traffic flows along this section of roadway. Staff is recommending that the Variance to the Subdivision Regulations be approved with the stipulation that a note be placed on the associated Layout, Preliminary and Final Plat stating that the use of the property be limited to a communication tower and accessory uses.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 6, 2002 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.