

STAFF REPORT

March 27, 2003

No. 03SV010 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, dry sewer, water and to improve paving as per Chapter 16.16 of the Subdivision Regulations

ITEM 30

GENERAL INFORMATION:

PETITIONER	Nathan A. Barton of Wasteline, Inc. for Pine Lawn Memorial Park, Inc.
REQUEST	No. 03SV010 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, dry sewer, water and to improve paving as per Chapter 16.16 of the Subdivision Regulations
EXISTING LEGAL DESCRIPTION	Lot B of "Lots A & B, Section 14, T1N, R7E", less Lot H1-E ² SW ⁴ 14-1-7 and less Lot H1-Lot B SW ⁴ 14-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Lot B and Lot B-R, Lot B SW ⁴ 14-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.145 acres
LOCATION	4480 South Highway 16
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	None exist
DATE OF APPLICATION	2/13/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, dry sewer, water and to improve paving as per Chapter 16.16 of the Subdivision Regulations be denied without prejudice.

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations as identified above. The applicant has also submitted a Layout, Preliminary and Final to subdivide the subject property into two lots to be known as Lot B-R and Lot 1 of Lot B. (See companion item #03PL024.) Currently, U.S. Highway 16 right-of-way separates the property into two parcels. The northern lot, Lot B-R, is also bordered on the west side by Tower Road.

On March 17, 2003, the City Council denied a Rezoning request to change the zoning designation on the subject property from General Agriculture District to General Commercial District. In addition, the City Council denied a Planned Development Designation for the property that was previously approved by the Planning Commission and subsequently appealed to the City Council.

STAFF REVIEW:

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

Plat Document: The plat document does not show the location of adjacent right-of-way(s) as required by Chapter 16.20 of the Rapid City Municipal Code. In addition, a site plan has not been submitted showing the location of exiting utilities adjacent to the subject property. As such, the Variance to the Subdivision Regulations and the associated Preliminary and Final Plat can not be adequately reviewed. In addition, the plat document was not prepared by a licensed land surveyor as required by South Dakota Codified Law. As such, staff is recommending that the Layout, Preliminary and Final Plat be denied without prejudice to allow the applicant to submit a revised plat document prepared by a licensed surveyor.

Staff is recommending that the Variance to the Subdivision Regulations be denied without prejudice to allow the applicant to submit a revised plat document with the above identified revisions and/or additional information.