

STAFF REPORT

September 4, 2003

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**No. 03SV031 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 15**

GENERAL INFORMATION:

PETITIONER	Renner & Sperlich Engineering Co. for Eldene Henderson
REQUEST	<b>No. 03SV031 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 7 and Lot 8 of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 7R and Lot 8R of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.26 Acres
LOCATION	Along North Haines Avenue
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Low Density Residential District
West:	County
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	08/07/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the

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requirement to construct curb, gutter and sidewalk along a portion of Haines Avenue as it abuts the subject property. In addition, the applicant has submitted a Preliminary and Final Plat of the subject property to reconfigure two lots to be known as Lots 7R and 8R of the Madison Subdivision. (See companion item #03PL084.)

The property is located directly west of the Viking Drive/Haines Avenue intersection on the west side of Haines Avenue. Currently, a single family residence is located on proposed Lot 8R. Proposed Lot 7R is void of any structural development and is identified as a "major drainage easement" on the plat document.

**STAFF REVIEW:**

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

Haines Avenue: Currently, curb, gutter and sidewalk are not constructed along this section of Haines Avenue. The City is currently designing a project for letting in 2004 that will provide for these improvements. In addition, this project is being funded as an Urban System Project with State and Federal funding. As such, staff is recommending that the Variance to the Subdivision be approved as requested. Due to the funding of the project, staff is not recommending that a waiver of right to protest any future assessment for the improvements be signed by the applicant.

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 September 4, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.