

STAFF REPORT

March 4, 2004

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**No. 04SV007 - Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water, sewer, pavement and to allow platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 19**

GENERAL INFORMATION:

PETITIONER	D.C. Scott Co. Land Surveyors for Prairiefire Investments, LLC
REQUEST	<b>No. 04SV007 - Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water, sewer, pavement and to allow platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; the east 54.4 feet of the SW1/4 NE1/4 in Section 26, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 6 of Block 2 of Winton Subdivision, and dedicated Miscanthus Street right-of-way; located in the SE1/4 NE1/4 of Section 26, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.019 acres
LOCATION	The west side of Anderson Road and south of Southside Drive
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Limited Agriculture District (County)
East:	General Agriculture District (County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	02/05/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow platting half of a

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right-of-way for Anderson Road be approved and that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,
2. The street improvements shall be completed as a part of any future platting of the 27.761 acre non-transferable balance.

**GENERAL COMMENTS:**

The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to construct street light conduit, water, sewer and pavement along Miscanthus Street and Anderson Road and to allow platting half a right-of-way for Anderson Road. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property, a 1.019 acre lot, leaving a 27.761 non-transferable balance. (See companion item #04PL008.)

On October 4, 1999, a Layout Plat was approved to subdivide 67.5 acres into 58 residential lots, including the subject property. In addition, a Variance to the Subdivision Regulations was approved waiving the requirement to construct curb, gutter and sidewalk.

The subject property is located approximately one half mile south of the Southside Drive/Anderson Road intersection on the west side of Anderson Road. Currently, a single family residence is located on the property.

**STAFF REVIEW:**

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

**Anderson Road:** Anderson Road is located along the east lot line of the subject property. Anderson Road is classified as a collector street on the City's Major Street Plan requiring that the street be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Anderson Road is located in a 66 foot wide right-of-way. The applicant is proposing to plat the western 33 feet of the section line highway and to dedicate an additional five foot of right-of-way from the subject property. However, the Subdivision Regulations do not allow the platting of a "half street" and, therefore, the applicant has requested the Variance to the Subdivision Regulations. The applicant does not own the east half of the section line highway and, as such, staff is recommending that the Variance be approved as requested. Furthermore, the roadway is already in existence and the granting of the Subdivision Variance will not affect the status of the street.

Currently, Anderson Road is paved south from S.D. Highway 44 to the Southside Drive

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intersection. The balance of Anderson Road extending south to the subject property is an approximate 24 foot wide graveled street. This section of Anderson Road was required to be paved as a part of a separate Preliminary and Final Plat approval and under different ownership than the subject property. However, to date the improvement has not been completed and the surety for the improvements has expired. The City is currently reviewing the options available to require the previous developer to complete the improvement. As such, requiring that portion of Anderson Road abutting the subject property to be improved with pavement, street light conduit, water and sewer would result in a discontinuous street design. Staff is recommending that the Variance to the Subdivision Regulations be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement. In addition, the street improvements must be completed as a part of any future platting of the 27.761 acre non-transferable balance.

Miscanthus Street: Miscanthus Street is located along the south lot line of the subject property and is classified as a sub-collector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The plat document identifies the dedication of the 52 foot wide right-of-way; however, construction plans have not been submitted. As previously noted, Anderson Road is currently a graveled street. The plat document identifies Miscanthus Street extending west from Anderson Road. As such, requiring Miscanthus Street to be improved will result in a discontinuous street design. Staff is recommending that the Variance to the Subdivision Regulations be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement. In addition, the street improvements must be completed as a part of any future platting of the 27.761 acre non-transferable balance.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 4, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.