

STAFF REPORT
October 21, 2004

No. 04SV054 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Jerry Wendland for Keith Kuchenbecker
REQUEST	No. 04SV054 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	SW1/4 NW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 8, Block 1; Lots 1 thru 29, Block 2; Lots 1 thru 4, Block 3; Lots 1 thru 17, Block 4; Lots 1 thru 51, Block 5; Lots 1 thru 13, Block 6; Lots 1 thru 14, Block 7; a subdivision, located in the SW1/4 NW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 acres
LOCATION	East of Anderson Road
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Agriculture District (County)
East:	General Agriculture District (County)
West:	Limited Agriculture District / Suburban Residential District (County)
PUBLIC UTILITIES	Community water and sewer
DATE OF APPLICATION	9/23/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk and street light conduit along Anderson Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to

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protest any future assessments for the installation of curb, gutter, sidewalk and street light conduit along Anderson Road as it abuts the subject property.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Anderson Road as it abuts the subject property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into 135 residential lots. The Layout Plat identifies that the lots range in size from approximately 6,500 square feet to 29,360 square feet. (See companion item #04PL136.)

The property is located approximately one-half mile north of the Anderson Road/S.D. Highway 44 intersection on the east side of Anderson Road and is currently void of any structural development.

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 west lot line of the subject property and is classified as a minor arterial street on the City's Major Street Plan. A minor arterial street must be located in a minimum 100 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 and constructed with an approximate 20 foot wide paved surface. Requiring the improvement of Anderson Road as it abuts the subject property will result in a discontinuous street section. The Planning Commission and the City Council have granted similar Variance requests when the requirement to improve the street would result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Anderson Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have not been returned as of this writing. Staff will notify the Planning Commission at the October 21, 2004 Planning Commission meeting if this requirement is not met.