

STAFF REPORT
October 21, 2004

No. 04SV058 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 21

GENERAL INFORMATION:

| | |
|----------------------------|---|
| PETITIONER | Sperlich Consulting, Inc. for Ed and Linda Eisenbraun |
| REQUEST | No. 04SV058 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code |
| EXISTING LEGAL DESCRIPTION | A portion of Tract T of Trailwood Village, and Lot B of Trailwood Village located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lot BR, Trailwood Village located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 3.170 acres |
| LOCATION | At the intersection of Covington Street and Avery Street |
| EXISTING ZONING | Planned Unit Development (County) |
| SURROUNDING ZONING | |
| North: | Planned Unit Development (County) |
| South: | Planned Unit Development (County) |
| East: | Planned Unit Development (County) |
| West: | Planned Unit Development (County) |
| PUBLIC UTILITIES | Rapid Valley Sanitary District |
| DATE OF APPLICATION | 09/24/2004 |
| REVIEWED BY | Renee Catron-Blair / David L. Johnson |

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter and sidewalk along S. D. Highway 44 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 protest any future assessments for the installation of curb, gutter and sidewalk along

STAFF REPORT
October 21, 2004

No. 04SV058 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 21

S. D. Highway 44.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along S.D. Highway 44 as it abuts the subject property. The applicant has also submitted a Preliminary Plat to combine existing Lot B with a portion of Tract T into approximately three acres. (See companion item #04PL142.)

The subject property is located on the corner of Covington Street and Avery Street off of S.D. Highway 44.

STAFF REVIEW:

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

S. D. Highway 44: S. D. Highway 44 is located along a portion of the south lot line and is classified as a principal arterial street requiring no additional right-of-way. Currently, S. D. Highway 44 is constructed with a 66 foot wide paved surface, street light conduit, water and sewer. Requiring the installation of curb, gutter and sidewalk along this portion of S. D. Highway 44 will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along S. D. Highway 44 be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

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.