

STAFF REPORT  
November 24, 2004

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**No. 04SV063 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit on Meadow Lane and to waive the requirement to install curb, gutter, street light conduit and pavement on Meadow Lane Court as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 30**

GENERAL INFORMATION:

PETITIONER	Jim Hansen for Premier Homes, Inc.
REQUEST	<b>No. 04SV063 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit on Meadow Lane and to waive the requirement to install curb, gutter, street light conduit and pavement on Meadow Lane Court as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 27 of Twilight Hills Subdivision located in SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 27A, 27B and 27C of Twilight Hills Subdivision located in SE1/4 SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.69 acres
LOCATION	Southeast of Meadow Lane Court and Meadow Lane
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	10/11/2004
REVIEWED BY	Renee Catron-Blair / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

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install curb, gutter and street light conduit on Meadow Lane and to waive the requirement to install curb, gutter, street light conduit and pavement on Meadow Lane Court as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter and street light conduit along Meadow Lane and shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, street light conduit and pavement along Meadow Lane Court.

**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 Meadow Lane and a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement along Meadow Lane Court as it abuts the subject property. The applicant has also submitted a Layout Plat to subdivide 0.69 acres into three lots: Lot 27A, 27B and 27C. (See companion item #04PL156.)

The subject property is located along Meadow Lane and Meadow Lane Court. Currently, there are no structures located on the property and it is located within Pennington County requiring a minimum lot size of 6,500 square feet which it meets.

**STAFF REVIEW:**

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

Meadow Lane: Meadow Lane is located along the west 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. Currently, Meadow Lane is located in a 50 foot wide right-of-way with a 27 foot wide paved surface, presently there is no curb, gutter, sidewalk or street light conduit installed in Meadow Lane. Water and sewer improvements are currently installed. Requiring the installation of curb, gutter and street light conduit on Meadow Lane 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 curb, gutter and street light conduit along Meadow Lane be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

It should be noted that sidewalk is required to install along Meadow Lane. The applicant

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**No. 04SV063 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit on Meadow Lane and to waive the requirement to install curb, gutter, street light conduit and pavement on Meadow Lane Court as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code**

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may wish to submit a Variance to the Subdivision Regulations to waive this requirement.

Meadow Lane Court: Meadow Lane Court is located along the north lot line of the subject property and is classified as a lane/place street requiring that the street be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Meadow Lane Court is located in an approximate 50 foot wide right-of-way with an 18 foot wide graveled surface, presently there is no pavement, curb, gutter, sidewalk, street light conduit and water improvements. Requiring installation of pavement, curb, gutter and street light conduit on Meadow Lane Court 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 installation of pavement, curb, gutter and street light conduit along Meadow Lane Court be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

It should be noted that sidewalk and water improvements are required to install along Meadow Lane Court. The applicant may wish to submit a Variance to the Subdivision Regulations to waive these requirements.

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 November 24, 2004 Planning Commission meeting if this requirement is not met.