

STAFF REPORT
February 10, 2005

No. 04SV081 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Limelight Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 36

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04SV081 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Limelight Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1-3, Block 1, Buehner Subdivision located in the W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.83 acres
LOCATION	At the current southern terminus of Limelight 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	Private water and on-site wastewater
DATE OF APPLICATION	12/30/2004
REVIEWED BY	Renee Catron-Blair / Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along Limelight Lane be denied. The Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit, water and sewer

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ITEM 36

along Limelight Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highways 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 sidewalk, street light conduit, water and sewer along Limelight Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highways.

GENERAL COMMENTS:

The applicant has submitted request for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Limelight Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway as they abut the subject property. The applicant has also submitted a Preliminary Plat to subdivide approximately 40 acres into three residential lots sized 4.29 acres, 5.0 acres and 30.30 acres, respectively. (See companion item #04PL211.)

The property is located at the southern terminus of Limelight Lane and is currently void of any structural development.

STAFF REVIEW:

Limelight Lane: Limelight Lane serves as legal access to the proposed lots 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, street light conduit, water, sewer and pavement or a Variance to the Subdivision Regulations must be obtained. Limelight Lane extends south from Countryside Boulevard which currently is constructed with curb and gutter. As such, staff cannot support the Variance request to waive curb and gutter as it will continue curb and gutter that is currently constructed the adjacent portion of the existing Limelight Lane street section. However, street light conduit, sewer and water are currently not installed along Limelight Lane. Requiring the improvement would create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water and sewer along Limelight Lane be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Section Line Highway: A section line highway is located along the west lot line and the south lot line of the subject property, respectively. The Street Design Criteria Manual states that the streets must be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has requested a Variance to

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ITEM 36

the Subdivision Regulations to waive the requirement to improve the section line highways as identified. A staff inspection of the site identified that the section line highways are located along a cliff line with large ravines. The existing topographic constraints limit the ability to construct streets within the section line highways. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highways 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 February 10, 2005 Planning Commission meeting if this requirement is not met.