

STAFF REPORT

June 9, 2005

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**No. 05SV021 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 37**

GENERAL INFORMATION:

PETITIONER	D.C. Scott Co. Land Surveyors for Wayne Householder
REQUEST	<b>No. 05SV021 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot A of Gravatt Subdivision located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot AR of Gravatt Subdivision, dedicated Anderson Road right-of-way and dedicated Dunn Road right-of-way and vacated 33' right-of-way located in the SW1/4 NW1/4 and in the N1/2 SW1/4 of Section 24, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.27 acres
LOCATION	At the intersection of Anderson Road and Dunn Road
EXISTING ZONING	Low Density Residential (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	None
DATE OF APPLICATION	2/25/2005
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **July 7, 2005** Planning Commission meeting.

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**GENERAL COMMENTS: (May 31, 2005 Update) This item was continued at the May 5, 2005, Planning Commission meeting to allow this item to be acted upon at the same time as the associated Preliminary Plat request. However, as of this writing, the applicant has not submitted a revised plat or any additional information.**

(April 25, 2005 Update) This item was continued at the April 21, 2005, Planning Commission meeting to allow this item to be acted upon at the same time as the associated Preliminary Plat request. On April 25, 2005, the applicant indicated that they are in the process of making the necessary revisions and adding the additional required information to the plat application. However, as of this writing, the applicant has not submitted a revised plat or any additional information.

(April 11, 2005 Update) This item was continued at the April 7, 2005 Planning Commission meeting to allow this item to be acted upon at the same time as the associated Preliminary Plat request.

On April 6, 2005, staff met with the applicant to discuss the necessary plat revisions and the additional information needed. As of this writing, the applicant has not submitted a revised plat or the additional required information for the associated Preliminary Plat request.

(This Staff Report was revised on March 29, 2005. All revised and/or added text is shown in bold text.) This item was continued at the March 24, 2005 Planning Commission meeting to allow this item to be acted upon at the same time as the associated Preliminary Plat request. As of this writing, the applicant has not submitted a revised plat or any additional information for the associated Preliminary Plat request.

The subject property is located at the northeast corner of Dunn Road and Anderson Road. The subject property is located outside of the City of Rapid City Limits; However, it is located within the three mile platting jurisdiction. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Anderson Road and Dunn Road. In addition, the applicant has also submitted a Preliminary Plat (05PL041) to create a 3.268 acre parcel leaving the remaining land as an unplatted non-transferable balance.

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

**Anderson Road:** Anderson Road is classified as a collector street on the City's Major Street Plan requiring that the street be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. The submitted plat shows Anderson Road to have a 66 foot wide right-of-way. Anderson Road is currently paved to a width of 20 feet. Staff noted that curb, gutter, sidewalk, street light conduit, water and sewer are not currently located along Anderson Road.

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The Planning Commission and City Council have previously supported and approved variances to waive the requirements to install additional pavement, curb, gutter, sidewalk, street light conduit, water and sewer when the density of development is not being increased. In this situation, there are no additional lots being created and the density of development is not increasing. Based on the Planning Commission and City Council's previous action, staff recommends approval of the request to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Anderson Road as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Dunn Road: Dunn Road is classified as a collector street on the City's Major Street Plan 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 with curb, gutter, sidewalk, street light conduit, water and sewer. The submitted plat shows Dunn Road to have a 52 foot wide right-of-way. Anderson Road is currently paved to a width of 20 feet. Staff noted that curb, gutter, sidewalk, street light conduit, water and sewer are not currently located along Dunn Road.

The Planning Commission and City Council have previously supported and approved variances to waive the requirements to install additional pavement, curb, gutter, sidewalk, street light conduit, water and sewer when the density of development is not being increased. In this situation, there are no additional lots being created and the density of development is not increasing. Based on the Planning Commission and City Council's previous action, staff recommends approval of the request to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Dunn Road as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Staff recommends that the Variance to the Subdivision Regulations be continued to the **July 7, 2005** Planning Commission meeting to allow it to be acted upon at the same time as the associated Preliminary Plat request.