

STAFF REPORT  
October 27, 2005

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**No. 05SV066 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the Section Line Highway and access easement; to reduce the pavement width and to waive the requirement to install sidewalk, street light conduit, curb, gutter, water and sewer along Wildwood Drive and Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 38**

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Karen Marsden
REQUEST	<b>No. 05SV066 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the Section Line Highway and access easement; to reduce the pavement width and to waive the requirement to install sidewalk, street light conduit, curb, gutter, water and sewer along Wildwood Drive and Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	N1/2 E1/2, Lot 1 less Lot H-1 and S1/2 E1/2, Lot 1, Less Lot D, Teds Subdivision, in the NE1/4 NE1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2, M and B Subdivision, located in the N1/2 E1/2, Lot1 less Lot H-1 and S1/2 E1/2, Lot 1, Less Lot D, Teds Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20 acres
LOCATION	Adjacent to Sheridan Lake Road and south of Wildwood Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Suburban Residential District (Pennington County)
East:	General Agriculture District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water

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**ITEM 38**

DATE OF APPLICATION                      9/30/2005

REVIEWED BY                                Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, water and sewer along the access easement be approved with the following stipulation:

1. The access easement shall be constructed with a minimum 20 foot wide all weather surface; and,
2. The access easement shall be revised to provide a minimum 49 foot wide easement;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, water and sewer along the section line highway be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,

That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, street light conduit, water and sewer along Sheridan Lake Road and Wildwood Drive be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along a section line highway and an access easement and to install additional pavement, sidewalk, street light conduit, curb, gutter, water and sewer along Sheridan Lake Road and Wildwood Drive as they abut the subject property. In addition, the applicant has submitted a Layout Plat to reconfigure the subject property. In particular, the Layout Plat identifies relocating the common lot line between two lots. (See companion item #05SV066.)

The subject property is located east of Sheridan Lake Road and south of Wildwood Drive. Currently, a single family residence and accessory structures is located on proposed Lot 1.

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**ITEM 38**

STAFF REVIEW:

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

Sidewalks: The Subdivision Regulations require sidewalks to be installed along residential lots that abut a street a distance of 200 feet or less. The proposed lots abut streets in excess of 200 feet and, as such, sidewalks are not required. Staff is recommending that the Variance to the Subdivision Regulations to install sidewalks be tabled.

Section Line Highway: The Layout Plat identifies a section line highway located along the north lot line of the subject property. The section line highway is identified as a lane place street requiring that it be constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, the section line highway is unimproved. In the past, the Planning Commission and the City Council have granted similar Variance requests when the proposed plat does not increase the existing density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along the section line highway be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Wildwood Drive: Wildwood Drive is located along the north lot line 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, street light conduit, water and sewer. Currently, Wildwood Drive is located in a 52 foot wide right-of-way and constructed with an approximate 22 foot wide paved surface. Requiring the improvement of Wildwood Drive as it abuts the subject property will result in a discontinuous street section. In addition, the Planning Commission and the City Council have granted similar Variance requests when the proposed plat does not increase the existing density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Wildwood Drive be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Sheridan Lake Road: Sheridan Lake Road is located along the east lot line and is classified as a principal arterial street requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Sheridan Lake Road is located in a 100 foot wide right-of-way and constructed with an approximate 36 foot wide paved surface. Requiring the improvement of Sheridan Lake Road as it abuts the subject property will result in a discontinuous street section. In addition, the Planning Commission and the City Council have granted similar Variance requests when the proposed plat does not increase the existing density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Sheridan Lake Road be approved with the

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stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Access Easements: The Layout Plat identifies an existing 40 foot wide access extending south from Wildwood Drive which currently serves as access to Lot 2. The Layout Plat also identifies reconfiguring Lot 2 into a flagpole lot with direct access via Wildwood Drive. The easement is classified as a lane place street requiring that it be located in a minimum 49 foot wide right-of-way or easement and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. The Planning Commission and the City Council have granted similar Variance requests when the proposed plat does not increase the existing density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, water and sewer along the access easement be approved with the stipulation that the access easement be revised to provide a minimum width of 49 feet and constructed with a minimum 20 foot wide all weather surface to insure fire apparatus access along the easement. Please note that the applicant also has the option of vacating the access easement since the Layout Plat provides direct access to Lot 2 via Wildwood Drive. This option would eliminate the requirement for the applicant to make improvements to the easement.

Staff has also noted that the topographic constraints along the southern portion of the subject property preclude extending a street to the adjacent property. In addition, staff has noted that the property located directly south of the subject property has direct access via Sheridan Lake Road.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 27, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.