

STAFF REPORT  
July 27, 2006

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**No. 06SV044 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 51**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 06SV044 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the W1/2 W1/2 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2, Block 1, Buehner Subdivision, located in the W1/2 W1/2 SW1/4, Section 32, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.82 acres
LOCATION	At the terminus of Limelight Lane
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Private water and on-site wastewater
DATE OF APPLICATION	6/30/2006
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION:

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 Highway as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

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future assessments for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway.

GENERAL COMMENTS:

The applicant has submitted a request for a 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 Highway as it abuts the subject property. The applicant has also submitted a Preliminary Plat to subdivide approximately 40 acres into two residential lots sized 5.14 acres and 34.58 acres, respectively. (See companion item 06PL106.)

On April 4, 2005, City Council approved a Preliminary Plat (04PL211) with stipulations for three lots on the subject property and approved in part and denied in part a Subdivision Variance (04SV081) for the subject property.

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

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

Section Line Highway: A section line highway is located along the south lot line of the subject property. 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 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 July 27, 2006 Planning Commission meeting if this requirement is not met.