

STAFF REPORT  
September 21, 2006

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**No. 06SV049 - Variance to the Subdivision Regulations to reduce the right-of-way from 49 feet to 25 feet along an access easement and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 30**

GENERAL INFORMATION:

PETITIONER	Renner & Associates for Royal Nielsen
REQUEST	<b>No. 06SV049 - Variance to the Subdivision Regulations to reduce the right-of-way from 49 feet to 25 feet along an access easement and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	A portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot A, formerly a portion of Lot 15 Revised, Hills View Subdivision, located in the NE1/4 SE1/4, Section 5, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.251 acres
LOCATION	West of Hillside Drive and North of SD Highway 44
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Commercial District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	7/28/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the right-of-way from 49 feet to 25 feet along an access easement and to waive the requirement to install curb,

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**ITEM 30**

gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **October 5, 2006** Planning Commission meeting to allow the applicant to submit additional information.

GENERAL COMMENTS:

(Update, September 8, 2006. All revised and/or added text is shown in bold print.) This item was continued at the **September 7, 2006 Planning Commission meeting** to allow the applicant to submit additional information. On **August 22, 2006**, the applicant submitted a structural site plan showing the location of the existing mobile homes and parking along the proposed access easement. However, to date, the balance of the additional information has not been submitted. As such, staff is recommending that this item be continued to the **October 5, 2006 Planning Commission meeting**.

(Update, August 25, 2006. All revised and/or added text is shown in bold print.) This item was continued at the August 24, 2006 Planning Commission meeting to allow the applicant to submit additional information. On August 22, 2006, the applicant submitted a structural site plan showing the location of the existing mobile homes and parking along the proposed access easement. However, to date, the balance of the additional information has not been submitted. As such, staff is recommending that this item be continued to the October 5, 2006 Planning Commission meeting.

The applicant has submitted a Variance to the Subdivision Regulations to reduce the easement width from 49 feet to 25 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a proposed private access easement. In addition, the applicant has submitted a Preliminary Plat to create a .596 acre lot leaving a 6.655 non-transferable balance. (See companion item #06PL127.)

The property is located west of Hillside Drive and north of S.D. Highway 44. Currently, two single family residences, three storage sheds, a garage and a commercial shop are located on the proposed non-transferable balance. A structural foundation has been constructed on the proposed .596 acre lot.

STAFF REVIEW:

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

Preliminary Plat: During the review of the associated Preliminary Plat, staff noted that additional information must be submitted identifying extension of water and sewer service lines. In addition, staff noted that a structural site plan must be submitted showing the location of the existing mobile homes and parking along the proposed access easement to insure emergency response access and to demonstrate that a street could be constructed within the proposed easement. This same information is needed in order to review the Variance to

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**ITEM 30**

the Subdivision Regulations request. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to allow the applicant to submit the information and to be heard in conjunction with the associated Preliminary Plat.

Legal Notification Requirement: The receipts from the certified mailings have been returned. To date, staff has received two calls inquiring about this proposal.