

STAFF REPORT

June 7, 2007

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**No. 07SV020 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 28**

GENERAL INFORMATION:

PETITIONER	Cody Schad
REQUEST	<b>No. 07SV020 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Government Lot 1, and Lot A of Lot 2 of SW/14 NW/14, and Government Lot 2 less Lot A, all of Section 7, T1S, R7E, BHM, and Government Lot 6 of Section 6, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1, 2, 3 and 4 of Quartz Canyon Subdivision, Section 7, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 83 acres
LOCATION	North of U.S Hwy 16, East of Quartz Canyon Lane
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Low Density Residential District (Pennington County)
East:	Suburban Residential District - General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	3/30/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

**Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved.**

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GENERAL COMMENTS:

**(Update June 1, 2007, all revised text is shown in bold). Staff has met with the applicant to discuss water and sewer. The applicant has indicated that a community well has been drilled on the subject property, and that adequate domestic flows can be met, however adequate fire flows cannot be met. Staff has noted that any proposed habitable structures are to be sprinklered. The applicant has chosen to omit proposed Lot 4 from the subject property; staff has also noted that by omitting Lot 4 that there will be no increase in density to the subject property.**

On May 8, 2007 staff received information on well sites and drain fields locations. Staff has met with the applicant and discussed the submittal of additional information including information demonstrating adequate fire and domestic flows, on site sewer system information, and a typical cross section of the existing road. As of this writing the additional information has not been submitted. Staff recommends that this item be continued to the June 7, 2007 Planning Commission Meeting to allow the applicant to submit additional information.

This item was continued at the April 26, 2007 Planning Commission Meeting to allow the applicant to submit additional information. As of this writing no additional information has been submitted. Staff recommends that this item be continued to the June 7, 2007 Planning Commission Meeting to allow the applicant to submit additional information.

The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water, and sewer. In conjunction with this Variance request the applicant has submitted a Layout Plat (07PL054) request to reconfigure four parcels into three 17.5-acre lots, and a 30.5-acre lot. The application for the Variance to the Subdivision Regulation lists the proposed subdivision as Quartz Canyon subdivision. Currently a subdivision of the same name exists in Pennington County. The applicant shall be required to change the name of the proposed subdivision as a requirement of the platting process.

The subject property is not located within the municipal boundaries of the City of Rapid City, however it is located within the City of Rapid City Three Mile Platting Jurisdiction. The subject property is currently zoned General Agricultural District by Pennington County. Currently the property is void of any structural development. A series of gravel roads provide access throughout the property.

STAFF REVIEW:

Staff has reviewed the applicant's Variance to the Subdivision Regulations request and noted the following considerations:

Layout Plat:

During the review of the associated Layout Plat, Staff noted that access was not provided to Lot

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4. In addition the applicant has not clearly identified the street locations from the driveway locations. As such, Staff cannot adequately review the proposed Variance to the Subdivision Regulations request. Staff is recommending that this item be continued to the May 10, 2007 Planning Commission meeting to be heard in conjunction with the revised Layout Plat (07PL054) request. **Staff has noted that the applicant has chosen to omit Lot 4 from the associated Layout Plat.**

Water and Sewer:

The applicant indicated that on-site water and sewer would be provided for the subject property. However, the applicant has not submitted any construction plans on how on-site water will be provided and has not demonstrated that the soils are suitable for on-site wastewater treatment systems. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water be continued to allow the applicant additional time to submit information that addresses these concerns.

**The applicant has submitted information demonstrating that an on-site community well will provide water service, and each lot will have an on-site sewer system. Currently city water and sewer is not available to the subject property. Staff has noted that Planning Commission and City Council have previously approved similar request when no increase in lot density has occurred or is proposed. Staff finds that since there is no increase in density associated with the re-platting (#07PLO54) of the subject property that the variance to waive the requirement to install water and sewer can be supported.**

**CURB, GUTTER, & PAVEMENT:**

**Staff has noted that the applicant is not proposing any increase in density to the subject property. The associated Layout Plat (#07PL054) identifies the change in the boundaries of three existing lots. Staff has noted that Planning Commission and City Council have previously approved similar request when no increase in lot density has occurred or is proposed. Staff finds that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and pavement can be supported.**

**SIDEWALK & STREET LIGHT CONDUIT:**

**Staff has noted that the applicant is not proposing any increase in density to the subject property. The associated Layout Plat (#07PL054) identifies the change in the boundaries of three existing lots. The lots range from 17.5 acres in size to 30.5 acres in size. Currently no sidewalks or street light conduit are in place within the vicinity of the subject property. Proposed Lot 2 is not required to have sidewalk because the frontage of the lot exceeds 200 feet. The installation of sidewalks along the frontage of the other lots would create a discontinuous section of street. Staff has noted that Planning Commission and City Council have previously approved similar request when no increase in lot density has occurred or is proposed. Staff feels that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, and street light conduit can be supported.**

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Legal Notification Requirement:

**All required green cards have been returned to the Growth Management Department.**

As of this writing, the white slips from the certified mailings and the green cards have not been returned. Staff will notify the Planning Commission at the April 26, 2007 Planning Commission meeting if this requirement has not been met.

Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code be continued to the June 7, 2007 Rapid City Planning Commission meeting to allow the applicant time to submit additional information.

**Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved.**