

STAFF REPORT  
September 23, 2010

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**No. 10SV007 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 11**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Yasmeen Dream, LLC
REQUEST	<b>No. 10SV007 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along Airport Road as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	A portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.107 acres
LOCATION	14870 East Highway 44
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	Airport District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/30/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **October 7, 2010** Planning Commission meeting.

GENERAL COMMENTS:

**(Update: September 13, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 9, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat. To date, the outstanding issues related to the Preliminary Plat have not been addressed. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the October 7, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.**

(Update: August 27, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 26, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat. To date, the outstanding issues related to the Preliminary Plat have not been addressed. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the September 23, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(Update: August 13, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 5, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat. To date, the outstanding issues related to the Preliminary Plat have not been addressed. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the September 9, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(Update: July 23, 2010. All revised and/or added text is shown in bold print.) This item was continued at the July 23, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat. To date, the outstanding issues related to the Preliminary Plat have not been addressed. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the August 26, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(Update: July 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the July 8, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat. To date, the outstanding issues related to the Preliminary Plat have not been addressed. As such, staff recommends that the Variance to the

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**ITEM 11**

Subdivision Regulations be continued to the August 5, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(Update: June 30, 2010. All revised and/or added text is shown in bold print.) This item was continued at the June 10, 2010 Planning Commission meeting at the applicant's request.

(Update: May 29, 2010. All revised and/or added text is shown in bold print.) This item was continued at the May 27, 2010 Planning Commission meeting at the applicant's request. The applicant has subsequently requested that the Variance to the Subdivision Regulations be continued to the June 24, 2010 Planning Commission meeting. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the June 24, 2010 Planning Commission meeting as requested by the applicant.

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 the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Airport Road as they abut the property. In addition, the applicant has submitted a Preliminary Plat to subdivide the property into two lots leaving an unplatted 259.5 acre unplatted balance.

The property is located outside the City limits of Rapid City, adjacent to the Rapid City Municipal Airport. Currently, the proposed lots are void of any structural development.

**STAFF REVIEW:**

Staff recommends that the Variance to the Subdivision Regulations be continued to be heard in conjunction with the associated Preliminary Plat. The Preliminary Plat identifies Airport Road serving as access to the two proposed lots. Airport Road is a private drive located on property owned by the City of Rapid City. Airport Road is not located within a dedicated public right-of-way. As such, the applicant submitted a request to the Airport Board requesting access from Airport Road. However, on May 25, 2010, the Airport Board denied the request.

Until the access issue is resolved, it is unclear if the Variance to the Subdivision Regulations can be supported to waive the requirement to improve the section line highway. Please note that since Airport Road is not located within a public right-of-way, the Variance to the Subdivision Regulations to waive the requirement to improve the street is not needed and will be denied when this item comes forward for consideration.

Staff recommends that the Variance to the Subdivision Regulations be continued to the **October 7, 2010** Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

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Legal Notification Requirement: The receipts from the certified mailings have been returned.