

STAFF REPORT  
December 9, 2010

---

**No. 10SV022 - 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**

---

**ITEM 12**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	LLB Investment Limited Partnership
REQUEST	<b>No. 10SV022 - 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	Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1R and Lot 2 of Heavlin No. 2 Addition
PARCEL ACREAGE	Approximately 22.9 acres
LOCATION	23299 South Airport Road
EXISTING ZONING	General Commercial District - General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District - General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	10/8/2010
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per

STAFF REPORT  
December 9, 2010

---

**No. 10SV022 - 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**

---

**ITEM 12**

Chapter 16.16 of the Rapid City Municipal Code be continued to the **January 6, 2011**, Planning Commission meeting.

GENERAL COMMENTS:

(Update: November 24, 2010. All revised and/or added text is shown in bold print.) This item was continued at the November 18, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues as identified below. On November 15, 2010, the applicant submitted percolation information which stated that the site is “unsuitable for construction of a conventional on-site wastewater treatment system”. The applicant has, subsequently, indicated that a mound system will be utilized. To date, the design of the mound system has not been submitted for review and approval. In addition, the design and specifications of the water distribution system has not been submitted for review and approval to demonstrate that adequate domestic and fire flows are being provided. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the January 6, 2011, Planning Commission meeting to allow the applicant to submit water and wastewater information and to submit a written request withdrawing the Variance to the Subdivision Regulations to waive the requirement to improve the 20 foot wide private access easement since it is being vacated.

(Update: November 8, 2010. All revised and/or added text is shown in bold print.) This item was continued at the November 4, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues as identified below. As of this writing, an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems has not been submitted for review and approval. In addition, the design and specifications of the water distribution system has not been submitted for review and approval to demonstrate that adequate domestic and fire flows are being provided. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the December 9, 2010, Planning Commission meeting to allow the applicant to submit water and wastewater information and to submit a written notice withdrawing the Variance to the Subdivision Regulations to waive the requirement to improve the 20 foot wide private access easement since it is being vacated.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along South Airport Road, the section line highway and the abutting access easement. In addition, the applicant has submitted a Preliminary Plat (File #10PL075) to plat the three properties into two lots. The proposed subdivision is to be known as Lots 1R and Lot 2 of Heavlin No. 2 Addition.

On October 21, 2010, the Planning Commission acknowledged the withdrawal of a Layout Plat (File #10PL054) to plat a portion of the property into two lots, leaving an unplatted balance. The applicant has subsequently submitted the associated Preliminary Plat to create two lots which incorporates the unplatted balance.

STAFF REPORT  
December 9, 2010

---

**No. 10SV022 - 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**

---

**ITEM 12**

The property is located approximately 100 feet south of the intersection of S.D. Highway 44 and South Airport Road on the west side of South Airport Road. Currently, a single family residence and a shed are located on proposed Lot 1R. In addition, several sheds are currently located on proposed Lot 2.

STAFF REVIEW:

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

Street Improvements: The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along South Airport Road, the north-south section line highway and a 20 foot wide private access easement as they abut the property. To date, the applicant has not submitted water and/or wastewater information to support waiving the requirement to install water and sewer mains along the South Airport Road, the north-south section line highway or the 20 foot wide private access easement. In addition, the applicant has indicated that the 20 foot wide private access easement will be vacated. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the November 18, 2010, Planning Commission meeting to allow the applicant to submit water and wastewater information and to submit a written notice withdrawing the Variance to the Subdivision Regulations to waive the requirement to improve the 20 foot wide private access easement since it is being vacated.

The applicant should be aware that, in the past, the City Council generally has not supported a Variance to the Subdivision Regulations to waive the requirement to improve a section line highway when it has been determined that a street is not needed within the section line highway and when the section line highway does not provide access to public property. More generally, the City Council has required that the section line highway be vacated.

Legal Notification Requirement: The white slips from the certified mailings have been returned. Staff has not received any calls of inquiry for this application.