

STAFF REPORT
March 10, 2011

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 along Airport Road as per Chapter 16.16 of the Rapid City Municipal Code

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INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Yasmeen Dream, LLC
REQUEST	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
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 **denied**.

GENERAL COMMENTS:

(Update: March 1, 2011. All revised and/or added text is shown in bold print.) This item was continued at the February 10, 2011 Planning Commission meeting to allow the applicant to submit additional information and to be heard in conjunction with the associated Preliminary Plat. It was also noted that staff would recommend that the Variance to the Subdivision Regulations and the Preliminary Plat be denied at the March 10, 2011 Planning Commission meeting if the information was not submitted by February 21, 2011 since these items have been on the Planning Commission's agenda since May of 2010. Staff met with the applicant on February 28, 2011 to discuss the outstanding issues that must be addressed prior to this item going forward. As of this writing, the information has not been submitted for review and approval. Since the information was not submitted by February 21, 2011, staff recommends that the Variance to the Subdivision Regulations be denied. The applicant may submit a new application once the outstanding issues are addressed and all of the required information is submitted for review and approval.

(Update: January 31, 2011. All revised and/or added text is shown in bold print.) This item was continued at the January 27, 2011 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 March 10, 2011 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat. The applicant should be aware that if the required information is not submitted by February 21, 2011, staff will recommend that the Preliminary Plat and the Variance to the Subdivision Regulations be denied at the March 10, 2011 Planning Commission meeting.

(Update: January 14, 2011. All revised and/or added text is shown in bold print.) This item was continued at the December 6, 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 February 10, 2011 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(Update: December 20, 2010. All revised and/or added text is shown in bold print.) This

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item was continued at the December 6, 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 January 27, 2011 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(Update: November 24, 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 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 January 6, 2011 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(Update: October 22, 2010. All revised and/or added text is shown in bold print.) This item was continued at the October 21, 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 December 9, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(Update: October 11, 2010. All revised and/or added text is shown in bold print.) This item was continued at the October 7, 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 November 4, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(Update: September 24, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 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 October 21, 2010 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

(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

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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 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

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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 **denied**.

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