

STAFF REPORT  
October 27, 2011

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**No. 11SV019 - Variance to the Subdivision Regulations to allow platting of half of a right-of-way and to waive the requirement for curb, gutter, sidewalk and street light conduit along the west side of the minor arterial street as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 21**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	Freeland Meadows, LLC
REQUEST	<b>No. 11SV019 - Variance to the Subdivision Regulations to allow platting of half of a right-of-way and to waive the requirement for curb, gutter, sidewalk and street light conduit along the west side of the minor arterial street as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	NE1/4 NW1/4 of Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1-133 of Teton Heights Subdivision
PARCEL ACREAGE	Approximately 39.26 acres
LOCATION	South of Country Road between West Nike Road and 143rd Avenue
EXISTING ZONING	General Agriculture District - Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	General Agriculture District - Medium Density Residential District - Low Density Residential District - General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/22/2011
REVIEWED BY	Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow platting of half of a

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right-of-way and to waive the requirement for curb, gutter, sidewalk and street light conduit along the west side of the minor arterial street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the street improvements.

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to allow platting of half of a right-of-way and to waive the requirement to install curb, gutter, sidewalk and street light conduit along the west side of the minor arterial street as it abuts the property. On October 3, 2011, the City Council approved a Layout Plat (File #11PL044) to subdivide the property into 137 lots. In particular, the Layout Plat includes 133 residential lots, 3 green space lots and a "City Lot". The proposed development is to be known as "Teton Heights Subdivision".

The property is currently zoned General Agriculture District with the exception of the proposed "City Lot" which is zoned Low Density Residential District with a Planned Development Designation. On September 22, 2005, the Planning Commission approved a SDCL 11-6-19 Review to allow the construction of a public lift station on the proposed "City Lot".

The property is located south of Country Road between West Nike Road and 143rd Avenue. With the exception of the lift station on the proposed "City Lot", the property is void of any structural development.

**STAFF REVIEW:**

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

**Minor Arterial Street:** The Layout Plat identifies a minor arterial street located along the west lot line of the proposed development in compliance with the City's Major Street Plan. Pursuant to the Street Design Criteria Manual, the minor arterial street must be located within a minimum 100 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant is proposing to dedicate the east 50 foot of right-of-way to be located on this property and has demonstrated that the 24 foot wide paved street can be constructed within the 50 foot wide right-of-way. Since the applicant does not own the adjacent property and since the street can be constructed within the east 50 foot wide right-of-way, staff recommends that the Variance to the Subdivision Regulations to allow platting half a right-of-way be approved. The applicant should be aware that a construction permit must be obtained from the adjacent property owner in order to construct the minor arterial street as proposed.

In the future, the minor arterial street may be expanded to accommodate additional lanes.

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As such, the applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, sidewalk and street light conduit along the west side of the street to avoid removing the improvements when the additional lanes are warranted. Based on this reason, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along the west side of the street be approved with the stipulation that prior to City Council, the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: As of this writing, the white slips and green cards from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 27, 2011 Planning Commission meeting if this requirement is not met. Staff has not received one call of inquiry regarding this proposal.