

STAFF REPORT

February 6, 2003

No. 03SV003 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along portions of Promise Road and U.S. Highway 16 and to allow sidewalks along one side of a portion of Promise Road as per Chapter 16.16 of the Subdivision Regulations

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 03SV003 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along portions of Promise Road and U.S. Highway 16 and to allow sidewalks along one side of a portion of Promise Road as per Chapter 16.16 of the Subdivision Regulations
EXISTING LEGAL DESCRIPTION	The unplatted portion of the SW1/4 of SW1/4 and a portion of SE1/4 of SW1/4, NW1/4 of SW1/4, and NE1/4 of SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 7, Block 2; Lots 1 thru 3, Block 3; and dedicated streets, all located in Tower Ridge #2 Subdivision, Section 23, T1N, R7E, BHM, Pennington Count, South Dakota
PARCEL ACREAGE	Approximately 21.1836 acres
LOCATION	East of Highway 16 and 1/4 mile north of Catron Boulevard
EXISTING ZONING	General Commercial District with Planned Development Designation
SURROUNDING ZONING	
North:	General Commercial District w/Planned Commercial Development/Office Commercial District w/Planned Commercial Development
South:	General Commercial District w/Planned Commercial Development
East:	Park Forest District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	01/10/2003

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REPORT BY

Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to Subdivision Regulations to waive the requirement to install water and sewer along portions of Promise Road and U.S. Highway 16 and to allow sidewalks along one side of a portion of Promise Road be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the installation of water and sewer along Promise Road and U.S. Highway 16; and,
2. Curb side sidewalks shall be constructed along the east side of Promise Road;

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirements as outlined above. The applicant has also submitted a Preliminary Plat to subdivide the subject property into ten commercial lots. The lots will range in size from 1.0577 acres to 3.6328 acres and are the second phase of a commercial development known as "Tower Ridge".

On June 20, 2002, the Planning Commission approved a Preliminary and Final Plat to subdivide 21.658 acres located directly north of the subject property to create twelve commercial lots as phase one of the development.

The property is located east of U.S. Highway 16 approximately one-quarter mile north of Catron Boulevard and is currently void of any structural development.

STAFF REVIEW:

During the review of the Variance to the Subdivision Regulations, staff identified the following considerations:

Water and Sewer: Currently, the construction plans do not provide a water main in the U.S. Highway 16 right-of-way as it extends north from Promise Road to the northern lot line of the subject property. In addition, the construction plans do not show a sewer main within the Promise Road right-of-way as it extends south from Rockrimmon Road to the southern lot line of the subject property. The Engineering Division has indicated that the construction plans show the sewer line being extended south along Promise Road, diverting west between Lots 2 and 3 of Block 3 and then continuing south within the U.S. Highway 16 right-of-way and; as such, provides service to all of the subject property. In addition, the construction plans show the extension of a water main throughout the Promise Road right-

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of-way providing water service to all of the proposed lots. The Engineering Division has indicated that the Variance to the Subdivision Regulations to waive the requirement to install water and/or sewer within the balance of the two streets is supported contingent upon the applicant signing a waiver of right to protest any future assessment project for these improvements.

Sidewalk: The applicant has requested that a curb side sidewalk be allowed on one side of Promise Road as it extends south from the Rockrimmon Road/Promise Road intersection in lieu of two sides as required by the Subdivision Regulations. The Engineering Division has indicated that due to topographic constraints resulting in the requirement to construct a retaining wall along the west side of Promise Road, a sidewalk along the east side of Promise Road only will be supported. In addition, the design of the sidewalk may be curb side due to additional topographic constraints along the east side of the street. The applicant is aware that upon the future development and/or platting of the property located south of the subject property, a property line sidewalk must be provided since the topographic relief is not as significant within area to the south of the property currently being platted.

Legal Notification Requirement: The receipts from the certified mailing have been returned. To date, staff has not received any calls or inquiries regarding this proposal.