

STAFF REPORT

May 22, 2003

No. 03SV019 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and water along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 22

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 03SV019 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and water along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A parcel of land located in a portion of the NW1/4 NW1/4 of Section 34 and a portion of the SW1/4 SW1/4 of Section 27, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the point being the intersection of the south line of said NW1/4 NW1/4 of Section 34 and the easterly right-of-way line of N. Elk Vale Rd., thence N00°01'02"W, 847.24 feet to the True Point of Beginning; Thence continuing along said easterly right-of-way line, N00°01'02"W, 653.99 feet to a point lying on a curve concave to the Northwest and whose chord bears N71°37'58"E, 744.25 feet; thence easterly along the arc of said curve to the left whose radius is 5829.58 feet and whose central angle is 07°19'11", an arc length of 744.76 feet to a point on said curve; thence S00°08'25"W, 462.78 feet; thence S89°51'35"E, 50.67 feet; thence S00°08'25"W, 100.00 feet; thence N89°51'35"W, 293.71 feet; thence S00°08'25"W, 326.18 feet; thence S89°58'58"W, 460.92 feet to the True Point of Beginning
PARCEL ACREAGE	Approximately 8.903 acres
LOCATION	East of North Elk Vale Road on Columbia Boulevard
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District
South:	County
East:	County
West:	General Commercial District

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PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	04/25/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and water along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, construction plans shall be submitted for review and approval showing a water line extending along Elk Vale Road or surety shall be posted for the design and construction of the water line; and,
2. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the construction of curb, gutter, sidewalk, street light conduit and sewer along Elk Vale Road as it abuts the subject property.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations as outlined above. The applicant has also submitted a Preliminary and Final Plat to subdivide the subject property into five commercial lots. In addition, the applicant has submitted a request to rezone the property from No Use District to General Commercial District. (See companion items #03PL049 and #03RZ019.)

On February 3, 2003, the City Council acknowledged the applicant's request to withdraw a Layout Plat subdividing approximately 121 acres into 16 commercial lots. The Layout Plat included the subject property.

The property is located south of I-90 on the east side of Elk Vale Road and is currently void of any structural development.

STAFF REVIEW:

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

Curb, gutter, sidewalk, street light conduit and sewer: Currently, curb, gutter, sidewalk, street light conduit and sewer do not exist along this section of Elk Vale Road. The existing ditches along this section of the roadway accommodate the drainage flows as needed. The South Dakota Department of Transportation has also indicated that they are not requiring

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these improvements at this time. As such, staff is recommending that the Variance to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Water: Currently, water line(s) exist in a portion of Elk Vale Road located north and south of the subject property. As such, staff is recommending that a water line be extended along Elk Vale Road as it abuts the subject property. The water line will eventually connect with a water line being extended from the Big Sky Business Park development located south of the subject property. Prior to City Council approval, construction plans must be submitted for review and approval showing the water line extension or surety must be posted for the design and construction of the water line.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 22, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.