

STAFF REPORT

October 9, 2003

No. 03SV035 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 25

GENERAL INFORMATION:

PETITIONER Renner and Sperlich Engineering Company for 16 Plus LLP

REQUEST **No. 03SV035 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code**

EXISTING LEGAL DESCRIPTION A portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to

STAFF REPORT

October 9, 2003

No. 03SV035 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 25

the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less

PARCEL ACREAGE	Approximately 17.71 acres
LOCATION	Northwest of the U.S. Highway 16 and Moon Meadows Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Suburban Residential District/Highway Service District
South:	Medium Density Residential District/General Commercial District w/Planned Commercial Development
East:	General Agriculture District
West:	Suburban Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	09/11/2003
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, water, sewer and pavement on the east-west section line highway be denied and that the Variance to the Subdivision Regulations to

STAFF REPORT

October 9, 2003

No. 03SV035 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 25

waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

Engineering Division Recommendation:

1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations request as outlined above. In addition the applicant has submitted a Layout, Preliminary and Final Plat to subdivide the subject property creating a 12 acre lot and leaving a 5.71 acre non-transferable balance located south of Moon Meadows Drive. The applicant has also submitted a Comprehensive Plan Amendment to change the future land use designation on a portion of the subject property from General Agriculture to General Commercial. In addition, the applicant has submitted a Rezoning request to change the zoning designation of the subject property from No Use District to General Commercial District. (See companion items #03PL094, 03CA023 and 03RZ032.)

On September 16, 2002, the City Council approved a Layout Plat to subdivide 59.5 acres, including the subject property, into three lots. On September 3, 2002, the City Council approved a Layout, Preliminary and Final Plat to create a 2.755 acre parcel located southwest of the subject property as Lot 1 of the Moon Ridge Subdivision. On June 19, 2003, the City Council approved a Preliminary and Final Plat to create Lot 3 of Moonridge Subdivision located directly south of the subject property.

The subject property is located approximately 1,300 feet north of the Moon Meadows Drive/U.S. 16 Highway intersection on the west side of U.S. Highway 16 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:

U.S. Highway 16: Currently, curb, gutter, sidewalk and street light conduit are not constructed along U.S. Highway 16. Due to an existing ditch located along either side of U.S. Highway 16, the location of a sidewalk with curb and gutter is difficult to determine at this time. Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve U.S. Highway 16 be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessment for the improvements. The applicant is encouraged to provide pedestrian walkways through the site upon development of the

STAFF REPORT

October 9, 2003

No. 03SV035 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 25

property.

Section Line Highway:

An undeveloped east-west section line highway is located along the north lot line of the property. The draft U.S. Highway 16 Corridor Study identifies an east-west collector road within the section line highway designed with a potential overpass to provide local access. In addition, the draft U. S. Highway 16 Corridor Study identifies a future overpass at the Catron Boulevard/U.S. Highway 16 intersection. The section line highway is half the distance between the southern end of the overpass and the Moon Meadow Drive/U.S. Highway 16 intersection. Due to the future improvements along U. S. Highway 16, the section line highway is the most desirable location for an east-west street. As such, the associated plat document must be revised to provide a non-access easement along U.S. Highway 16. In addition, access to proposed Lot 2 must be taken from the section line highway.

The Major Street Plan identifies an east-west collector road to be located approximately 500 feet north of the section line highway located along the north lot line of the subject property. Due to the State Access Standards and the previously purchased South Dakota Department of Transportation control of access, the east-west section line highway is the only viable location for a main east-west connector street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve the section line highway be denied.

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 October 23, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.