

STAFF REPORT

October 9, 2003

No. 03SV038 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk street light conduit, water, sewer and pavement along Elm Street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Centerline, Inc. for Lazy P-6 Properties, LLC
REQUEST	No. 03SV038 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk street light conduit, water, sewer and pavement along Elm Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	NE1/4 NW1/4 NW1/4 GL 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10 acres
LOCATION	Approximately 660 feet to the east of the Parkview Drive terminus
EXISTING ZONING	Low Density Residential II District/Medium Density Residential District/Office Commercial District/General Commercial District w/Planned Commercial Development
SURROUNDING ZONING	
North:	General Agriculture District
South:	Suburban Residential District (County)
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	09/12/2003
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 along Elm Street as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the

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requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Elm Street as it abuts the subject property. In addition, the applicant has submitted a Layout Plat to create a ten acre parcel. (See companion item #03PL096.)

On July 21, 2003, the City Council approved Layout Plat #03PL072 to create a ten acre parcel as a multi-family development site. On September 15, 2003, the City Council acknowledged the applicant's request to withdraw a Variance to the Subdivision Regulations to waive the requirement to improve a section line highway located along the north lot line of the associated Layout Plat #03PL072.

On March 3, 2003, the City Council approved a Layout Plat to create 23 commercial lots on property located south of the subject property also owned by the applicant. In addition, the City approved a Master Plan on an additional forty acres located directly north of the Layout Plat that included the subject property.

On December 2, 2002 the City Council denied without prejudice Layout Plat #02PL052 to subdivide property located south of the subject property into twenty commercial lots. The subject property is located in the northeast corner of the intersection of Catron Boulevard and the proposed right-of-way location for the future extension of Elm Street. The property is currently void of any structural development.

STAFF REVIEW:

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

Elm Street: The applicant has indicated that a waiver of right to protest any future assessment for the improvements along Elm Street will be signed in consideration of granting a Subdivision Regulations Variance to the improvement at this time. However, due to pending development(s) on properties located directly north of this section of Elm Street, staff is recommending that the right-of-way be dedicated for Elm Street at this time and surety posted for the improvement. This will allow the applicant to coordinate the design of Elm Street with adjacent property owner(s) as well as the City while at the same time insuring that the road construction is completed in a timely manner. In the past, the City Council has required that the streets be improved as a part of the platting process to insure that street connectivity exists as additional properties within the area develop.

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 9, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.