

STAFF REPORT

March 25, 2004

No. 04SV014 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 47

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04SV014 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	N1/2 NW1/4 SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract 1 and Tract 2 located in the N1/2 NW1/4 SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 15.30 acres
LOCATION	Along North Elk Vale Road
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Agriculture District (County)
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	02/27/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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

1. Prior to Preliminary Plat approval by the City Council, the construction plans shall be

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- revised to show the extension of sewer stubs to the west side of the Elk Vale Road right-of-way; and,
2. Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

GENERAL COMMENTS:

The applicant has submitted a 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 it abuts the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property, approximately 119 acres, into two parcels, leaving an approximate 113 acre non-transferable balance. The two lots are to be known as Tract 1 and 2 of the Elk Vale Park Subdivision. In addition, the applicant has submitted a Petition for Annexation request for the entire 119 acres. The applicant has also submitted several Comprehensive Plan Amendments to the Long Range Land Use Plan as well as several Rezoning requests and Planned Development Designations. (See companion items 04PL020, 04AN002, 04RZ008, 04CA005, 04PD014, 04RZ009, 04CA006, 04PD015, 04RZ010, 04CA007, 04RZ011, 04CA008, 04RZ012, 04CA009 and 04PD016.)

The subject property is located approximately $\frac{3}{4}$ mile north of the City's Visitor Center on the east side of Elk Vale Road and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Preliminary Plat and has noted the following considerations:

Street Improvements: Elk Vale Road is located along the west lot line and is classified as a principal arterial street on the City's Major Street Plan requiring a minimum 100 foot wide right-of-way and a minimum 36 foot wide paved surface with curb, gutter, street light conduit, sidewalk, water and sewer. Elk Vale Road is located in a 66 foot wide right-of-way and is constructed with an approximate 24 foot wide paved surface. The plat document identifies the dedication of 17 additional feet of right-of-way for Elk Vale Road. Currently, curb, gutter, sidewalk and street light conduit do not exist along this section of Elk Vale Road. Requiring the improvement of Elk Vale Road as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Elk Vale Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Staff is also recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Elk Vale Road be approved with the stipulation that the construction plans be revised extending the sewer stubs to the west side of the Elk Vale Road right-of-way. In addition, staff is recommending that the applicant sign a waiver of right to protest any future assessment for the improvement.

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Staff has met with the applicant on two separate occasions to discuss the proposed development of the subject property. At both meetings, the applicant proposed to extend a water main along an interior street in lieu of Elk Vale Road. In addition, the applicant proposed to provide water taps to the property located west of the subject property since a water main was not being proposed in Elk Vale Road. Staff noted that if the applicant submitted a conceptual layout of the adjacent property to determine if the taps were being located in developable areas and if the adjacent property owner concurred with the locations, then staff would support a Variance to the Subdivision Regulations as requested. However, the applicant has not submitted a conceptual layout of the adjacent property nor has he demonstrated that the property owner concurs with the locations. Providing water taps in locations that will not be desirable for development of the adjacent property shifts the financial burden of providing additional water mains and/or taps to the adjacent property owner. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install a water main along Elk Vale Road be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 25, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.