

STAFF REPORT

March 25, 2004

No. 04SV017 - Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER

Sperlich Consulting Inc. for Gordon Howie

REQUEST

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EXISTING
LEGAL DESCRIPTION

A portion of Tract T of Trailwood Village, located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot A of Block 16 of Trailwood Village, common to a point on the easterly edge of the right-of-way of Covington Street, and the Point of Beginning; Thence, first course: S67°24'19"E, along the southerly boundary of said Lot A of Block 16, a distance of 324.26 feet, to the southeasterly corner of said Lot A of Block 16; Thence, second course: N46°30'40"E, along the easterly boundary of said Lot A of Block 16, a distance of 154.00 feet, to the northeasterly corner of said Lot A of Block 16, common to a point on the southerly edge of the right-of-way of Teak Drive; Thence, third course: southeasterly, along the southerly edge of the right-of-way of said Teak Drive, curving to the left on a curve with a radius of 307.84 feet, a delta angle of 20°28'24", an arc length of 110.00 feet, a chord bearing of S53°43'32"E, and a chord distance of 109.42 feet, to a point of tangency; Thence, fourth course: S63°57'44"E, along the southerly edge of the right-of-way of said Teak Drive, a distance of 39.55 feet, to the northwesterly corner of Lot 5 of Block 3 of Ridgeview Place Subdivision; Thence, fifth course: S38°38'57"W, along the westerly boundary of said Lot 5 of Block 3 of Ridgeview Place Subdivision, a distance of 86.16 feet, to the southwesterly corner of said Lot 5 of Block 3, common to the northwesterly corner of Lot B of Block 2 of Ridgeview Place Subdivision; Thence, sixth course: S38°38'57"W, along the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 332.48 feet, to the southwesterly corner of said Lot B of Block 2, common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place

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Subdivision; Thence, seventh course: S38°53'52"W, along the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, common to a point on the northerly edge of the right-of-way of SD State Highway 44; Thence, eighth course: N51°11'35"W, along the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of said SD State Highway 44, and said Covington Street; Thence, ninth course: N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; Thence, tenth course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 17°49'29", an arc length of 186.66 feet, a chord bearing of N31°30'25"E, and chord distance of 185.91 feet, to the southwesterly corner of said Lot A of Block 16 of Trailwood Village, common to a point on the easterly edge of the right-of-way of said Covington Street, and the Point of Beginning; said parcel contains 4.680 acres more or less

PARCEL ACREAGE	Approximately 4.680 acres
LOCATION	West of Plateau Lane along Williams Street, Leola Lane and Quad Court
EXISTING ZONING	Planned Unit Development (County)
SURROUNDING ZONING	
North:	Planned Unit Development (County)
South:	Planned Unit Development (County)
East:	Planned Unit Development (County)
West:	Planned Unit Development (County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	02/27/2004
REPORT BY	Vicki L. Fisher

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and water be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter be approved with the following stipulation:

1. 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 construct curb, gutter, sidewalk and water along S.D. Highway 44 as it abuts the subject property. On February 6, 2004, the applicant submitted a Layout and Preliminary Plat to subdivide the subject property creating a 4.69 acre commercial lot and leaving a 64.16 acre non-transferable balance. (See companion item 04PL005.)

The property is located in the northeast corner of the Covington Drive/S.D. Highway 44 intersection and is currently void of any structural development.

On July 21, 2003 a Layout, Preliminary and Final Plat proposing to create this same commercial lot was denied without prejudice at the applicant's request.

STAFF REVIEW:

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

S. D. Highway 44: S.D. Highway 44 is located along the south lot line of the subject property. Currently, curb, gutter sidewalk and a water main are not constructed along this portion of S.D. Highway 44. The Rapid Valley Sanitary District has indicated that a water main extension is needed along this section of S.D. Highway 44 in order to provide a looped water system to properties located north of the highway. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install a water main along S.D. Highway 44 be denied.

Staff has also noted that the commercial development proposed on the subject property may generate pedestrian traffic along Covington and S.D. Highway 44. Currently, sidewalks exist along Covington Street. Extending sidewalks along S.D. Highway 44 as it abuts the subject property will provide pedestrian access along a portion of the highway and will be a continuous design standard from the existing sidewalk at the Covington Street/S.D. Highway 44 intersection. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks along S.D. Highway 44 be denied.

Currently, the barrow ditches along S. D. Highway function to accommodate drainage generated from the adjacent properties. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter be

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approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements prior to Preliminary Plat approval by the City Council.

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.