

STAFF REPORT

April 8, 2004

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**No. 04SV004 - Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer, pavement and to dedicate right-of-way along a collector street and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 49**

GENERAL INFORMATION:

PETITIONER

Sperlich Consulting, Inc. for 16 Plus, LLP

REQUEST

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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 between Sections 27 and 34, common to the northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; Thence, first course: S00°00'00"E, 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 Sections 27 and 34, common to a point the southerly

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boundary of Lot 5 of Godfrey Addition, and common to 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 to 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 to 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 to 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 12.000 acres more or less; and, a portion of Tract 2 of Pioneer Subdivision, and a portion of the W1/2 of the NE1/4 of Section 34, located in the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; More fully described as follows: Commencing at northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; Thence, first course: N89°52'3"E, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, and common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 48.99 feet; Thence, second course: southwesterly, curving to the left on a curve with a radius of 960.00 feet, a delta angle of 18°22'16", an arc length of 307.81 feet, a chord bearing of S09°23'33"W, and a chord distance of 306.49 feet, to a point of tangency; Thence, third course: S00°12'25"W, a distance of 108.82 feet; Thence, fourth course: S89°53'10"W, a distance of 80.00 feet; Thence, fifth course: N00°12'25"E, a distance of 109.26 feet; Thence, sixth course: northeasterly, curving to the right on a curve with a radius of 1040.00 feet, a delta angle of 16°53'09", an

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arc length of 306.50 feet, a chord bearing of N08°38'59"E, and a chord distance of 305.39 feet, to a point on the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition; Thence, seventh course: N89°52'53"E, along the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 35.10 feet to the northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; said parcel 0.764 acres more or less

PARCEL ACREAGE	Approximately 12.764 acres
LOCATION	Northwest of the U.S. Highway 16 and Moon Meadows Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Suburban Residential District/Highway Service (County)
South:	Public District
East:	General Commercial District
West:	Suburban Residential District (County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	02/06/2004
REPORT BY	Vicki L. Fisher

**RECOMMENDATION:**

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer, pavement and to dedicate right-of-way along a collector street and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code be denied.

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### GENERAL COMMENTS:

**This item was continued at the March 4, 2004 Planning Commission meeting to allow the applicant to submit information identifying the physical constraints of constructing a street in the section line highway located along the north lot line of the subject property. This Staff Report has been revised on March 28, 2004. All revised and/or added text is shown in bold text.** The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve a collector street and a section line highway as they abut the subject property. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan proposing to relocate the collector street. (See companion item #04CA003.)

On November 11, 2003, the applicant submitted a Layout, Preliminary and Final Plat to create a 12 acre lot leaving a 5.71 acre non-transferable balance located south of Moon Meadows Drive. On October 23 2003, the City Council approved the Layout Plat and continued the Preliminary and Final Plat to the February 16, 2004 City Council meeting to allow the applicant to submit additional information. On October 9, 2004, the Planning Commission denied a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the east-west section line highway and approved a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along U.S. Highway 16 with the stipulation that the applicant sign a waiver of right to protest any future assessment project for the improvements. To date the applicant has not signed the waiver of right to protest any future assessment project for the improvements form, and, as such, the City Council has continued the request to the February 16, 2004 City Council meeting. (See companion items #03PL094 and 03SV035.)

The subject property is located approximately 1,300 feet north of the Moon Meadow 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:

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

### 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

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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. Improving the section line highway to City Street Design Standards will create a continuous paved street design extending from U.S. Highway 16. The applicant should also be aware that extending water and sewer mains along the section line highway will allow them to collect supplemental connection fees as additional development within the area occurs. Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve the section line highway be denied.

**On March 18, 2004 the applicant submitted a street plan and profile showing the construction of a 22 foot wide paved street in the eastern 1,100 feet of the section line highway located along the north lot line of the subject property. The plan and profile does not appear to identify any constraints that would preclude constructing a street within the section line highway. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve the section line highway be denied. Staff is also recommending that the plan and profile be revised to provide a minimum 26 foot wide paved section as per the Street Design Criteria Manual.**

Collector Street: Currently, the City's Major Street Plan identifies a north-south collector street located in the west half of the subject property. As previously indicated, the applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate the collector street to the west lot line of the subject property. If approved, the collector street will continue to abut the subject property, and, as such, must be approved as a part of this plat approval. Improving the collector street to City Street Design Standards will create a continuous paved street design extending south from the section line highway. Any future platting on the adjacent properties will also require that the collector street be extended as a part of their plat approval. As noted above, the applicant should also be aware that extending water and sewer mains along the collector street will allow them to collect supplemental connection fees as additional development within the area occurs. Staff is

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recommending that the Variance to the Subdivision Regulations to waive the requirement to improve the collector street be denied.

Legal Notification Requirement: The receipts from the certified mailings have **been returned. Staff has received two telephone calls regarding this request. Neither caller indicated whether they supported or opposed the Variance to the Subdivision Regulations request.**