

STAFF REPORT
January 27, 2005

No. 04SV079 - Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk and street light conduit along S.D. Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 43

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 BR of Trailwood Village, common to a point on the northerly edge of the right-of-way of SD State Highway 44, and the Point of Beginning; Thence, first course: N68°57'27"E, along the southerly boundary of said Lot BR, a distance of 209.64 feet, to an angle point on the southerly boundary of said Lot BR; Thence, second course: S65°06'07"E, along the southerly boundary of said Lot BR, a distance of 72.70 feet, to a point on the southerly boundary of said Lot BR, common with a point on the westerly end of the edge of right-of-way of Avery Drive; Thence, third course: S24°53'53"W, along the westerly end of the edge of right-of-way of said Avery Drive, a distance of 60.00 feet; Thence, fourth course: S65°06'07"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 10.00 feet; Thence, fifth course: S24°53'53"W, along the southerly edge of right-of-way of said Avery Drive, a distance of 20.00 feet; Thence, sixth course: S65°06'07"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 25.00 feet; Thence, seventh course: N24°53'53"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 20.00 feet; Thence, eighth course: southeasterly, along the southerly edge of said Avery Drive, curving to the right on a curve with a radius of 1983.52 feet, a delta angle of 09°09'25", an arc length of 317.00 feet, a chord bearing of S60°31'25"E, and a chord distance of 316.66 feet, to the southeasterly corner of said Avery Drive, common to a point on the westerly edge of the right-of-way of Covington Street; Thence, ninth course: southwesterly, along the westerly edge of

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said Covington Street, curving to the right on a curve with a radius of 520.00 feet, a delta angle of 06°21'52", an arc length of 57.76 feet, a chord bearing of S37°14'14"W, and chord distance of 57.73 feet, to a point of tangency on the westerly edge of the right-of-way of said Covington Street; Thence, tenth course: S40°25'09"W, along the westerly edge of the right-of-way of said Covington Street, a distance of 142.61 feet, to the southwesterly corner of the right-of-way of said Covington Street, common to a point on the northerly edge of the right-of-way of said SD State Highway 44; Thence, eleventh course: N51°11'35"W, along the northerly edge of the right-of-way of said SD State Highway 44, a distance of 534.30 feet, to the southwesterly corner of said Lot BR of Trailwood Village, and the Point of Beginning; said parcel contains 1.968 acres, more or less

PARCEL ACREAGE	Approximately 1.906 acres
LOCATION	At the intersection of Avery Drive and Covington Street
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Planned Unit Development (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Planned Unit Development (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	12/30/2004
REVIEWED BY	Renee Catron-Blair / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk and street light conduit along S.D. Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter and sidewalk along S. D. Highway 44.

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along S.D. Highway 44 as it abuts the subject property. The applicant has also submitted a Layout and Preliminary Plat to create Lot C from a portion of Tract T into an approximate one acre lot. (See companion item #04PL212.)

The subject property is located on the corners of S.D. Highway 44, Covington Street and Avery Street.

STAFF REVIEW:

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

S. D. Highway 44: S. D. Highway 44 is located along the south lot line and is classified as a principal arterial street requiring no additional right-of-way. Currently, S. D. Highway 44 is constructed with a 66 foot wide paved surface, street light conduit, water and sewer. Requiring the installation of curb, gutter and sidewalk along this portion of S. D. Highway 44 will result in a discontinuous street section. As stated above, street light conduit currently exists and does not need to be included in the Variance request. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along S. D. Highway 44 be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have not been returned as of this writing. Staff will notify the Planning Commission at the January 27, 2005 Planning Commission meeting if this requirement is not met.