

STAFF REPORT  
February 24, 2005

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**No. 05SV004 - Variance to the Subdivision Regulations to waive the requirement to install sanitary sewer, curb, gutter and sidewalk along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 58**

GENERAL INFORMATION:

PETITIONER

FMG Engineering for Belgarde Enterprises

REQUEST

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EXISTING

LEGAL DESCRIPTION

That part of the E1/2 of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22; thence S00 12'36"E, 152.63 feet to a point; thence West, 726.50 feet to a point; thence N64 41'13"W, 267.41 feet to a point; said point being the intersection with a non-tangent curve, the radius point of said curve bears S53 20'07"W, 226.00 feet from said intersection, said curve having a central angle of 16 17'27"; thence Northwesterly, 64.26 feet along arc of said curve, said curve having a chord bearing of N44 48'37"W, and chord distance of 64.04 feet, to a point of tangency; thence N52 57'20"W, 189.40 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 52 57'20" and radius of 174.00 feet; thence Northwesterly and Northerly, 160.82 feet along arc of said curve, said curve having a chord bearing of N26 28'40"W, and a chord distance of 155.16 feet, to a point of tangency; thence North, 187.01 feet to a point; said point being the intersection with a non-tangent curve, the point of said curve bears N04 15'00"W, 92.00 feet from said intersection, said curve having a central angle of 35 45'00"; thence Easterly and Northeasterly, 57.40 feet along arc of said curve, said curve having a chord bearing of N67 52'30"E, and a chord distance of 56.48 feet, to a point of tangency; thence N50 00'00"E, 64.59 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 10 02'46" and radius of 208.00 feet; thence Northeasterly, 36.47 feet along arc of said curve, said curve having a chord bearing of N55 01'23"E, and a

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chord distance of 36.42 feet, to a point; thence North, 173.49 feet to a point; thence East, 550.47 to a point; thence N26 24'26"E, 82.06 feet to a point on the south Right-Of-Way line of Catron Boulevard; thence S63 35'34"E, 317.69 feet along the south Right-Of-Way line of Catron Boulevard to a 5/8" rebar; said rebar being the intersection with a non-tangent curve, the radius point of said curve bears S26 24'37"W, 2230.97 feet from said intersection, said curve having a central angle of 6 46'27"; thence Southeasterly, 263.77 feet along arc of said curve, said curve having a chord bearing of S60 12'09"E, and a chord distance of 263.62 feet, to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", said rebar being on the south Right-Of-Way line of Catron Boulevard; thence S00 08'29"E, 505.50 feet to a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22 at the point of beginning; all located within the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

PROPOSED LEGAL DESCRIPTION	Lot 1 of Stoney Creek South No. 2 Subdivision, located in the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 21.227 acres
LOCATION	Southeast of the intersection of Catron Boulevard and Nugget Gulch Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Agriculture District
East:	General Agriculture District
West:	Low Density Residential District w/Planned Residential Development & General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	01/14/2005

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REVIEWED BY

Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulation to waive the requirement to install sewer along Catron Boulevard be denied and that the Variance to the Subdivision Regulation to waive the requirement to install curb, gutter, sidewalk and sanitary sewer along Catron Boulevard as per chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

GENERAL COMMENTS:

**(This Staff Report has been updated on February 14, 2005. All revised and or added text is shown in bold print.) This item was continued at the February 10, 2005 Planning Commission meeting to be heard in conjunction with an associated Layout Plat. In particular, the Layout Plat was continued at the February 10, 2005 Planning Commission meeting to allow the applicant to submit a Master Plan of the subject property. To date, the information has not been submitted. Staff will notify the Planning Commission at the February 24, 2005 Planning Commission meeting if the Master Plan has not been submitted. Please note that no other part of this Staff Report has been revised.**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, and sewer along Catron Boulevard as it abuts the subject property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property, a 46.23 acre parcel, to create a 21.23 acre residential lot leaving a 25 acre non-transferable unplatted balance. (See companion item #05PL009.)

The property is located approximately 1,500 feet east of the Catron Boulevard/Sheridan Lake Road intersection on the south side of Catron Boulevard. In addition, the subject 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:

Catron Boulevard: Catron Boulevard is located along the north lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan. A principal arterial street must be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Catron Boulevard is located in a 270 foot wide right-of-way and constructed with an 80 foot wide paved surface, sewer and water. To date, curb, gutter and sidewalk have not been constructed along Catron Boulevard. As such, requiring the

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improvements at this time would create a discontinuous street section. Staff is recommending that the Variance to the Subdivision Regulations be approved with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvements.

Currently, sewer is located in Catron Boulevard approximately 800 feet west of the subject property. The applicant is proposing to extend a sewer main from Nugget Gulch Road located north of Catron Boulevard to serve the subject property. However, it is anticipated that future development along Catron Boulevard, including properties located east of the subject property, will require the extension of sewer along Catron Boulevard. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the February 10, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.