

STAFF REPORT
September 8, 2005

No. 05SV058 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 30

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 05SV058 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of NE1/4 NW1/4 NW1/4, lying east of Highway 16; W1/2 NW1/4 NE1/4 NW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1, Shipman Heights Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.420 acres
LOCATION	At the northeast corner of the intersection of U.S. Highway 16 and Tucker Street
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development) - Low Density Residential District (Planned Residential Development)
East:	Medium Density Residential District (Planned Residential Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/8/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk along U.S. Highway 16 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 assessment for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk along U.S. Highway 16 as it abuts the subject property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property creating a 1.42 acre lot and leaving a 6.77 acre non-transferable balance. (See companion item #05PL152.)

The property is located in the northeast corner of the intersection of US Highway 16 and Tucker Street. Currently, the property is void of any structural development.

STAFF REVIEW:

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

US Highway 16: US Highway 16 is located along the west 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, street light conduit, sidewalk, water and sewer. Currently, US Highway 16 is located in a 235 foot wide right-of-way and constructed with two 26 foot wide paved street sections, sewer and water. The applicant has requested a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, street light conduit and sidewalk along US Highway 16 as it abuts the subject property. Requiring the improvement would create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements as requested 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 September 8, 2005 Planning Commission meeting if this requirement is not met.