

STAFF REPORT
October 27, 2005

No. 05SV069 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and additional pavement width along Tower Road and curb, gutter, sidewalk, street light conduit along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 40

GENERAL INFORMATION:

PETITIONER	Dream Design International for Thomas O'Meara
REQUEST	No. 05SV069 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and additional pavement width along Tower Road and curb, gutter, sidewalk, and street light conduit along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Part of Lot D of Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16 right-of-way; and Lot 2, Lot A, Lot C, NE1/4 SW1/4, lying west of U.S. Highway 16, all located in Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 and 2, O'Meara Subdivision, located in the NE1/4 SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.98 acres
LOCATION	4080 Tower Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Commercial District
East:	General Agriculture District
West:	Park Forest District
PUBLIC UTILITIES	City water, sewer
DATE OF APPLICATION	9/30/2005
REVIEWED BY	Mike Maxwell / Michelle Horkey

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and additional pavement width along Tower Road and curb, gutter, sidewalk, and street light conduit along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to City Council approval, 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 install curb, gutter, street light conduit and sidewalk and additional pavement width along Tower Road and curb, gutter, sidewalk, and street light conduit along U.S. Highway 16 as it abuts the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property creating a 2.177 acre lot and a .805 acre lot respectively. (See companion item #05PL181.)

The property is located at 4080 Tower Road, next to the Pine Lawn Cemetery. Currently, there is a hotel and a single family residence on the property.

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 east 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 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 assessments for the improvements.

Tower Road: Tower Road is located along the west lot line of the subject property and is classified as a collector street on the City's Major Street Plan. A collector street must be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, streetlight conduit, sidewalk, water and sewer. Currently, Tower Road is located in a 68 foot wide right-of-way and constructed with 24 foot wide paved street section, sewer and water. The applicant has requested a Variance to the Subdivision

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Regulations request to waive the requirement to install curb, gutter, street light conduit and sidewalk and additional pavement width along Tower Road 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 assessments 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 October 27, 2005 Planning Commission meeting if this requirement is not met.