

STAFF REPORT
August 10, 2006

No. 06SV036 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks and street light conduit along East Anamosa Street; and, to waive the requirement to install curb, gutter, and sidewalks along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 29

GENERAL INFORMATION:

PETITIONER

Dream Design International, Inc.

REQUEST

No. 06SV036 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks, street light conduit along East Anamosa Street; and, to waive the requirement to install curb, gutter, and sidewalks along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

EXISTING

LEGAL DESCRIPTION

A Tract of land located in the NE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Beginning at the northeast corner of Section 4; Thence along the north line of Section 4 S89°43'48"W a distance of 124.58 feet, to a found pin and cap marked "LS 6251", the true point of beginning; Thence along the north line of Section 4 S89°46'10"W a distance of 541.59 feet, to a found pin and cap marked "LS 5680"; Thence S00°02'01"E a distance of 202.34 feet, to a found pin and cap marked "LS 6251"; Thence along the arc of a curve to the left whose radius points bears N13°38'28"E, having a radius of 925.00 feet, a central angle of 02°51'39" and an arc length of 46.19 feet; Thence N09°13'19"E a distance of 25.02 feet; Thence S80°46'41"E a distance of 50.00 feet; Thence S09°13'19"W a distance of 25.03 feet; Thence along the arc of a curve to the left whose radius points bears N07°40'58"E, having a radius of 925.00 feet, a central angle of 07°56'32" and an arc length of 128.22 feet; Thence N89°45'43"E a distance of 319.32 feet to a found pin and cap marked "LS 6251"; Thence N00°02'51"W a distance of 229.28 feet to the point of beginning. Said tract of land containing an area of 2.78 acres more or less.

PROPOSED

LEGAL DESCRIPTION

Lot 3 of Block 2, LaGrand Subdivision, located in the NE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

STAFF REPORT
August 10, 2006

No. 06SV036 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks and street light conduit along East Anamosa Street; and, to waive the requirement to install curb, gutter, and sidewalks along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 29

PARCEL ACREAGE	Approximately 2.78 acres
LOCATION	Elk Vale Road and East Anamosa Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District (Planned Commercial Development)
West:	Light Industrial
PUBLIC UTILITIES	City water and Sewer
DATE OF APPLICATION	5/26/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks and street light conduit along East Anamosa Street, and, to waive the requirement to install curb, gutter, and sidewalks along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the August 24, 2006 Planning Commission meeting to allow the applicant time to submit the required information.

GENERAL COMMENTS: This staff report has been revised as of July 17, 2006. All revised and/or added text is shown in bold print. The applicant has submitted this request for a Variance to waive the requirement to install sidewalks and street light conduit along East Anamosa Street. In addition, the applicant has requested a Variance to waive the requirement to install curb, gutter and sidewalks along Elk Vale Road.

The property in question is located at the northwest corner of Elk Vale Road and East Anamosa Street. This Subdivision Variance has been submitted in conjunction with a request to plat Lot 3 of Block 2 of LaGrand Subdivision (06PL083). The proposed lot is 2.78 acres in size. The property in question is zoned General Commercial. Land to the north and south is zoned General Commercial. The land to the west is zoned Light Industrial and the land to the east, across Elk Vale Road is zoned General Commercial.

STAFF REVIEW: Staff has reviewed the request for Variances to the Subdivision Regulations and has noted the following considerations:

STAFF REPORT
August 10, 2006

No. 06SV036 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks and street light conduit along East Anamosa Street; and, to waive the requirement to install curb, gutter, and sidewalks along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 29

Elk Vale Road: Elk Vale Road, lying directly adjacent to the proposed subdivision is identified as an arterial street on the Major Street Plan. It is also on the State Highway System. Pursuant to the Street Design Criteria Manual, the street must be located in a 100 foot wide right-of-way. Currently, Elk Vale Road is located in a 250 foot wide right-of-way with four paved lanes, exceeding the City's requirements. Sanitary sewer is currently located in Elk Vale Road. There is no curb and gutter, sidewalk or street light conduit on portions of this frontage and the adjacent roadway. Requiring those improvements at this location would result in a discontinuous street section. Further, this road is a State Highway. For those reasons, staff recommends that the variance to waive the requirement to install curb, gutter, and sidewalks along Elk Vale Road be approved with the stipulation that the applicant sign a waiver of right to protest the future assessment for these improvements.

East Anamosa Street: The portion of East Anamosa Street adjacent to the subject property was constructed as part of a City of Rapid City project for Rushmore Business Park but no sidewalks were installed and street light conduit was only installed along the south side of East Anamosa Street. East Anamosa Street is classified as an arterial street requiring that the street be located in a minimum 100 foot wide right-of-way. Currently, East Anamosa Street is located in a 150 right-of-way. The developer is responsible for constructing improvements to a collector standard road. Any additional improvements beyond the collector standard road are considered over sizing and are not the developer's responsibility. The applicant has requested a Subdivision Variance to waive the requirement to install sidewalks and street light conduit along East Anamosa Street. Because of the high volume of vehicular traffic experienced at this location and the potential for tourist oriented businesses (motels, restaurants, etc.) to be constructed in this area, staff cannot recommend approval of the variance to waive the requirement for sidewalks on both sides and street light conduit along the north side of East Anamosa Street. For those reasons, staff recommends that the request for a Subdivision Variance to waive the requirements for sidewalks and street light conduit be denied without prejudice.

Legal Notification Requirement: The receipts from the certified mailings have been returned.

On June 22, 2006 this item was continued to the July 6, 2006 Planning Commission Meeting in conjunction with the Layout Plat (06PL083) to allow the applicant time to submit the required information. **On July 6, 2006 this item was continued to the July 27, 2006 Planning Commission Meeting in conjunction with the Layout Plat (06PL083) to allow the applicant time to submit the required information. On July 27, 2006 this item was continued to the August 10, 2006 Planning Commission Meeting in conjunction with the Layout Plat (06PL083) to allow the applicant time to submit the required information. As of August 1, 2006 the required information has not been submitted.**