

STAFF REPORT
August 9, 2007

No. 07SV026 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 38

GENERAL INFORMATION:

PETITIONER	Scull Construction for Whittingham & Lestrage, LPI
REQUEST	No. 07SV026 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of the unplatted portion of the SW1/4 of Section 23; the remainder of Lots 2 and 3 of Block 2 and a portion of Silver Nugget Drive Right-of-Way of Aladdin Heights Subdivision; Lots 1 thru 4, a portion of Lots 5 thru 7, Lots 8 thru 12 of Block 1 and Tablerock Road Right-of-Way of Tower Ridge 2 in Section 23; Lot H3 in Section 23 and Lot H4 in Section 26 (Promise Road Right-of-Way); Lot 1 of Shipman Heights Subdivision; a portion of the unplatted portion of the NE1/4 of the NW1/4 of the NW1/4 (NE-NW-NW) of Section 26; Lot H3 of Section 26 and Tucker Street Right-of-way; the unplatted portion of the SE1/4 of the NW1/4 of the NW1/4 (SE-NW-NW) lying east of Highway 16 Right-of-way (the Maze property); Tract AR2 and Tract B of Needles Subdivision, Tract A of Meadow View Subdivision in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tracts 1 thru 3 of Block 1, Lot 1, Lot 3 and Lot 4 of Block 2 of Tower Ridge 2; Tract B Revised, Lot 1 and Lot 2 of Tract AR2 of Needles Subdivision, Lot 1 and Lot 2 of Tract A of Meadow View Subdivision; Promise Road Right-of-Way; Dakota Canyon Road Right-of-Way; all located in the SW1/4 of Section 23 and in the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 78.613 acres
LOCATION	Northeast of the intersection of U. S. Highway 16 and Catron Boulevard

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EXISTING ZONING General Commercial District (PDD) - General Commercial District (PCD) - Park Forest District, Low Density Residential District (PDD) - Medium Density Residential District (PDD) - Medium Density Residential District (PDD) - General Commercial District

SURROUNDING ZONING
North: General Commercial District - General Agriculture District
South: General Commercial District (Planned Commercial Development) - Medium Density Residential District (Planned Development Designation) - Low Density Residential District (Planned Development Designation)
East: Park Forest District - General Agriculture District
West: Business Park District - General Commercial District (Planned Commercial Development)

PUBLIC UTILITIES City sewer and water

DATE OF APPLICATION 5/11/2007

REVIEWED BY Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U. S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **August 23, 2007** Planning Commission meeting at the applicant's request.

GENERAL COMMENTS:

(Update, July 27, 2007. All revised and/or added text is shown in bold print.) This item was continued at the July 26, 2007 Planning Commission meeting at the applicant's request. The applicant has subsequently requested that this item be continued to the August 23, 2007 Planning Commission meeting. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the August 23, 2007 Planning Commission meeting as requested by the applicant.

(Update, July 13, 2007. All revised and/or added text is shown in bold print.) This item was continued at the July 5, 2007 Planning Commission meeting at the applicant's request. The applicant has subsequently requested that this item be continued to the August 9, 2007 Planning Commission meeting. As such, staff is recommending that the Preliminary Plat be continued to the August 9, 2007 Planning Commission meeting as requested by the applicant.

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(Update, June 27, 2007. All revised and/or added text is shown in bold print.) This item was continued at the June 21, 2007 Planning Commission meeting at the applicant's request. The applicant has subsequently requested that this item be continued to the July 26, 2007 Planning Commission meeting. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the July 26, 2007 Planning Commission meeting as requested by the applicant.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U.S. Highway 16. In addition, the applicant has submitted a Preliminary Plat (File #07PL076) to subdivide the subject property into eleven lots. The applicant has also submitted a Rezoning request (File #07RZ043) to change the zoning designation on a portion of the subject property, a .0448 acre parcel, from Park Forest to General Commercial. In addition, the applicant has submitted an Amendment to the adopted Comprehensive Plan (File #07CA023) to change the future land use designation from Park Forest to General Commercial with a Planned Commercial Development on the .0448 acre parcel. The applicant has also submitted a Planned Development application (File #07PD034) for the .0448 acre parcel.

On June 3, 2002, the City Council approved a rezoning request to change the zoning designation on a portion of the subject property, or 14.726 acres, from General Agriculture District to Office Commercial District. In addition, a Planned Development Designation was approved for this portion of the subject property. The 14.726 acres included that property currently platted as "Tower Ridge Subdivision No. 2". In October of 2002, the City Council approved a Rezoning request to change the zoning designation of Tower Ridge Subdivision No. 2 from Office Commercial District to General Commercial District.

On October 30, 2006, the City Council approved two rezoning requests (File #06RZ029 and #06RZ030) to change the zoning designation on portions of the subject property located directly east of "Tower Ridge Subdivision No. 2", or 1.634 acres and 2.336 acres, respectively, from Office Commercial to General Commercial.

The subject property is located in the northeast corner of the intersection of U. S. Highway 16 and Catron Boulevard and is currently void of any structural development.

STAFF REVIEW:

The applicant has requested that this item be continued to the **August 23, 2007** Planning Commission meeting. Staff recommends that the Variance to the Subdivision Regulations be continued to the **August 23, 2007** Planning Commission meeting as requested by the applicant.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has received several calls of inquiry regarding this item.