

STAFF REPORT
August 21, 2008

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

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GENERAL INFORMATION:

PETITIONER	Scull Construction for Whittingham & Lestrangle, 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 / Ted Johnson

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 **denied without prejudice at the applicant's request.**

GENERAL COMMENTS:

(Update, August 15, 2008. All revised and/or added text is shown in bold print.) On August 15, 2008, the applicant submitted a request that this item be denied without prejudice. As such, staff is recommending that the Variance to the Subdivision Regulations be denied without prejudice at the applicant's request.

(Update, July 11, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 26, 2008 Planning Commission meeting to allow the applicant to submit additional information, including signatures on all of the appropriate forms from the adjacent property owners as required. As of this writing, the required information has not been submitted for review and approval nor have the signed documents been submitted. As such, staff is recommending that the Preliminary Plat be continued to the August 21, 2008 Planning Commission meeting to allow the applicant to submit additional information.

(Update, June 13, 2008. All revised and/or added text is shown in bold print.) This item was

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continued at the June 5, 2008 Planning Commission meeting to allow the applicant to submit additional information, including signatures on all of the appropriate forms from the adjacent property owners as required. As of this writing, the information has not been submitted for review and approval nor have the signed documents been submitted. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the July 24, 2008 Planning Commission meeting.

(Update, May 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 22, 2008 Planning Commission meeting to allow the applicant to submit additional information, including signatures on all of the appropriate forms from the adjacent property owners as required. As of this writing, the information has not been submitted for review and approval nor have the signed documents been submitted. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the June 26, 2008 Planning Commission meeting.

(Update, May 9, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 8, 2008 Planning Commission meeting to allow the applicant to submit additional information, including signatures on all of the appropriate forms from the adjacent property owners as required. As of this writing, the information has not been submitted for review and approval nor have the signed documents been submitted. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the June 5, 2008 Planning Commission meeting.

(Update, April 28, 2008. All revised and/or added text is shown in bold print.) This item was continued at the April 24, 2008 Planning Commission meeting to allow the applicant to submit additional information, including signatures on all of the appropriate forms from the adjacent property owners as required. As of this writing the information has not been submitted for review and approval nor have the signed documents been submitted. As such, staff is recommending that the Preliminary Plat be continued to the May 22, 2008 Planning Commission meeting.

(Update, April 10, 2008. All revised and/or added text is shown in bold print.) This item was continued at the March 27, 2008 Planning Commission meeting to allow the applicant to submit additional information, including signatures on all of the appropriate forms from the adjacent property owners as required. As of this writing the information has not been submitted for review and approval nor have the signed documents been submitted. As such, staff is recommending that the Preliminary Plat be continued to the May 8, 2008 Planning Commission meeting.

(Update, March 17, 2008. All revised and/or added text is shown in bold print.) On February 8, 2008 the applicant submitted a revised plat document relocating Promise Road which also included two adjacent properties, requiring the signatures from the adjacent property owner(s). To date, a Preliminary Plat application form with the additional property owner(s) signatures has not been submitted. In addition, a Petition to Vacate Right-of-way

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form must be submitted with the signature of the adjacent property owner located south of the proposed development, "The Maze Inc.", since the plat document shows the vacation of Tucker Street right-of-way. Until the signatures are obtained as identified, the City can not consider the Preliminary Plat application request.

To date, a revised Stormwater Pollution Prevention Plan has not been submitted for review and approval as previously requested. On February 19, 2008, a revised Traffic Impact Study was submitted for review and approval. (Please note that review comments from the South Dakota Department of Transportation staff of the revised Traffic Impact Study are attached.) Staff has reviewed the recently submitted revised construction plans and noted several red line comments that must be addressed.

In addition, staff has reviewed the revised plat document and noted that access has not been shown to the balance of Lot 5, Tower Ridge No. 2 Subdivision as previously requested. In addition, it does not appear that building envelopes exist on the balance of Lots 5 and 7 of Tower Ridge No. 2 Subdivision due to the size and configuration of the lots. As such, the plat document must be revised to address these issues.

Staff is recommending that this item be continued to the April 24, 2008 Planning Commission meeting to allow the applicant to submit the additional information, including the signatures from the adjacent property owners.

(Update, February 27, 2008. All revised and/or added text is shown in bold print.) On February 8, the applicant submitted a revised plat document relocating Promise Road which also included two adjacent properties, requiring the signatures from the adjacent property owner(s). On February 19, 2008, the applicant submitted an application document with one of the adjacent property owner's signatures, Bonnie Flyte. However, to date an application with the second adjacent property owner's signature, Black Hills Federal Credit Union, has not been submitted. In addition, a Petition to Vacate Right-of-way form must be submitted with the signature of the adjacent property owner located south of the proposed development, "The Maze Inc.", since the plat document shows the vacation of Tucker Street right-of-way. Until the signatures are obtained as identified, the City can not consider the Preliminary Plat application request.

This item was continued at the February 21, 2008 Planning Commission meeting to allow the applicant to submit additional information and to allow staff to review recently submitted information. To date, a revised Stormwater Pollution Prevention Plan has not been submitted for review and approval as previously requested. On February 19, 2008, a revised Traffic Impact Study was submitted for review and approval. City and State staff are currently reviewing the report. Staff has reviewed the recently submitted revised construction plans and noted several red line comments that must be addressed.

In addition, staff has reviewed the revised plat document and noted that access has not been shown to the balance of Lot 5, Tower Ridge No. 2 Subdivision as previously

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requested. In addition, it does not appear that building envelopes exist on the balance of Lots 5 and 7 of Tower Ridge No. 2 Subdivision due to the size and configuration of the lots. As such, the plat document must be revised to address these issues.

Staff is recommending that this item be continued to the March 27, 2008 Planning Commission meeting to allow the applicant to submit the additional information, including the signatures from the adjacent property owners, and to allow staff to review the recently submitted Traffic Impact Study.

(Update, February 11, 2008. All revised and/or added text is shown in bold print.) This item was continued at the January 10, 2008 Planning Commission meeting to allow the applicant to submit additional information. On February 8, 2008, the applicant submitted revised construction plans and reports and a revised plat document. However, as of this writing, a revised Traffic Impact Study and a revised Stormwater Pollution Prevention Plan have not been submitted for review and approval. In addition, since the plat document has been revised to include two additional properties, an amended application document must be submitted with signatures from the adjacent property owner(s) reflective of the revised plat document. A Petition to Vacate Right-of-way form must also be submitted with the signature of the adjacent property owner since the plat document shows the vacation of Tucker Street right-of-way. Staff is recommending that this item be continued to the March 6, 2008 Planning Commission meeting to allow the applicant to submit the additional information and to allow staff to review the recently submitted information.

(Update, January 3, 2008. All revised and/or added text is shown in bold print.) This item was continued at the November 8, 2007 Planning Commission meeting to allow the applicant to submit additional information. Staff met with the applicant on August 7, 2007 to discuss Traffic Impact Study revisions, drainage issues and access issues. To date, the revised and/or additional information has not been submitted for review and approval. The applicant's Engineer has indicated that they anticipate submitting the information on January 25, 2008. As such, staff is recommending that this item be continued to the February 21, 2008 Planning Commission meeting.

(Update, October 26, 2007. All revised and/or added text is shown in bold print.) This item was continued at the October 25, 2007 Planning Commission meeting to allow the applicant to submit additional information. Staff met with the applicant on August 7, 2007 to discuss Traffic Impact Study revisions, drainage issues and access issues. To date, the revised and/or additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the December 6, 2007 Planning Commission meeting.

(Update, October 12, 2007. All revised and/or added text is shown in bold print.) This item was continued at the October 4, 2007 Planning Commission meeting to allow the applicant to submit additional information. Staff met with the applicant on August 7, 2007 to discuss Traffic Impact Study revisions, drainage issues and access issues. To date, the revised

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and/or additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the November 8, 2007 Planning Commission meeting.

(Update, September 21, 2007. All revised and/or added text is shown in bold print.) This item was continued at the September 6, 2007 Planning Commission meeting to allow the applicant to submit additional information. Staff met with the applicant on August 7, 2007 to discuss Traffic Impact Study revisions, drainage issues and access issues. To date, the revised and/or additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the October 25, 2007 Planning Commission meeting.

(Update, August 24, 2007. All revised and/or added text is shown in bold print.) This item was continued at the August 9, 2007 Planning Commission meeting at the applicant's request. Staff met with the applicant on August 7, 2007 to discuss Traffic Impact Study revisions, drainage issues and access issues. To date, the revised and/or additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the October 4, 2007 Planning Commission meeting.

(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.

(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

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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 0.448 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 0.448 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 had originally requested that this item be continued in order for additional information to be submitted for review and approval. However, as of this writing, all of the information has not been submitted for review and approval as identified above. In addition, the City can not consider the Preliminary Plat application request until all of the affected property owners sign the appropriate applications. **As noted above, the applicant has submitted a request that this item be denied without prejudice. As such, staff is recommending that the Variance to the Subdivision Regulations be denied without prejudice at the applicant's request.**

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