

STAFF REPORT

April 23, 2009

No. 09SV010 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to waive the requirement to pave the H Lot as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Hidden Valley, Inc.
AGENT	Lawrence M. Kostaneski for Centerline, Inc.
PROPERTY OWNER	Olsen Development Company, Inc.
REQUEST	No. 09SV010 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to waive the requirement to pave the H Lot as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The south 495 feet of the NE1/4 SE1/4 less Lot 1, the SE1/4 SE1/4 all in Section 22, T1N, R7E, BHM, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tracts 1 thru 3, Lots 1A thru 12B and Lot Z of Block 1, Lots 1A thru 11B of Block 2 of Skylines Village Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 54.0 acres
LOCATION	2000 Golden Eagle Drive
EXISTING ZONING	Office Commercial District - Planned Unit Development
SURROUNDING ZONING	
North:	Park Forest District - Planned Residential Development
South:	Office Commercial District - Planned Unit Development
East:	Public District - Office Commercial District - Planned Unit Development
West:	Office Commercial District - Planned Unit Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/27/2009

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REVIEWED BY

Vicki L. Fisher / Karley Halsted

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 and to waive the requirement to pave the H Lot as per Chapter 16.16 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer within the H Lot located along the west lot line of the property. In addition, the applicant has submitted a Preliminary Plat (File #09PL018) to subdivide the property into 51 lots, leaving an unplatted non-transferable balance. The applicant has indicated that the Preliminary Plat includes Phase One and Phase Two of Skyline Village.

On November 6, 2006, the City Council approved a Layout Plat (File #06PL160) for the Skyline Village development to create 67 townhome lots and six larger lots. On October 6, 2008, the City Council approved a one year extension of approval for the Layout Plat.

On January 22, 2009, the Planning Commission approved an Initial Planned Unit Development (File #08PD067) to allow the construction of 46 townhome units and two single family residences as a part of Phase One and all of Phase Two of Skyline Village.

On January 22, 2009, the Planning Commission also approved a SDCL 11-6-19 Review (File #09SR001) to authorize the acquisition of a public utility easement for the future construction of a sewer main across the adjacent City owned property to serve the development.

On February 2, 2009, the City Council approved a Variance to the Subdivision Regulations as follows:

- 1) to waive the requirement to install sewer along a portion of Vineyard Lane with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvement;
- 2) to waive the requirement to install sidewalk along the north side of Vineyard Lane with the stipulation that a pedestrian access connection be provided between the proposed townhome development and the sidewalk along the south side of Vineyard Lane and that the applicant sign a waiver of right to protest any future assessments for the improvement;
- 3) to waive the requirement to dedicate the section line highway as right-of-way located along the east lot line as it abuts Tract B of Tract 1 of W1/2SW1/4 less IGT Subdivision and less right-of-way located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along this portion of the section line

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highway with the stipulation that the west half of the section line highway be dedicated as right-of-way and that the applicant sign a waiver of right to protest any future assessments for the improvements; and,

- 4) to waive the requirement to dedicate the section line highway as right-of-way located along the south lot line and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway with the stipulation that the north half of the section line highway be dedicated as right-of-way and that the applicant sign a waiver of right to protest any future assessments for the improvements.

The property is located northwest of Promise Road and Golden Eagle Road. 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:

A previously platted H Lot is located along the west lot line of the property. Catron Boulevard, a principal arterial street, currently extends through the western portion of the H Lot. Chapter 16.12.030.E of the Subdivision Regulations states that subdivisions which abut, or include within the proposed area to be subdivided, any highway or arterial street, a marginal access street shall be provided. A marginal access street is usually constructed as a rearage road and/or a frontage road to limit direct access onto the arterial street and to direct traffic to the preferred access points. In this case, the marginal access street will provide access from that portion of Vineyard Lane located within the H Lot to a property located directly south of this development owned by Jerald L. Johnson. The marginal access street is classified as a lane place street requiring that it be constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer as per the Street Design Criteria Manual.

The H Lot is a 6.662 acre parcel which is significantly larger than most H Lots secured for street purposes. As such, the City has discussed possible future development of a portion of the H Lot. The area of the development and the type of development has yet to be determined. Subsequently, the location of the future street from Vineyard Lane to the adjacent property can not be determined at this time. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to construct a marginal access street to lane place standards within the H Lot be approved.

Typically, the City would require that the applicant sign a waiver of right to protest any future assessment for the improvements in consideration of granting the Variance request. However, the Catron Boulevard H Lot has an unusual configuration as previously noted. It appears that it was oversized to eliminate an un-usable remnant on the north side of the road. This creates an unusual circumstance unique to this site. Additionally, there is a significant grade differential between the Catron Boulevard surface and the balance of the H

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Lot lying to the north. As such, the viability and need for constructing a marginal access street is severely limited. Due to the unusual circumstances associated with this property, staff is not recommending that the applicant be required to sign a waiver of right to protest for the future assessment for the improvement of the marginal access street.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 23, 2009 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.