

STAFF REPORT

June 4, 2009

No. 09SV002 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 21

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Magic Mountain, LLC
REQUEST	No. 09SV002 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Block 2 of Hilltop Business Park Subdivision, formerly a portion of the SE1/4 of the NE1/4, located in the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.521 acres
LOCATION	Northwest of the intersection of Homestead Street and Elk Vale Road
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 District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/5/2009
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water along Elk Vale Road as per Chapter 16.16 of the Rapid City

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Municipal Code be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,**

The Variance to the Subdivision Regulations to waive the requirement to install sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code denied without prejudice.

GENERAL COMMENTS: (Update, May 27, 2009. All revised and/or added text is shown in bold print.) This item was continued to the June 4, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#09PL003) application and to allow the applicant to submit the required information. On May 27, 2009, the applicant submitted additional information for review and approval. As such, staff recommends that this item be approved with above stated stipulation.

(Update, May 13, 2009. All revised and/or added text is shown in bold print.) This item was continued to the May 21, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#09PL003) application and to allow the applicant to submit the required information. On May 1, 2009, the applicant submitted additional information for review and approval. As such, staff recommends that this item be continued to the May 21, 2009 Planning Commission meeting.

(Update, April 28, 2009. All revised and/or added text is shown in bold print.) This item was continued to the May 7, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#09PL003) application and to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the May 21, 2009 Planning Commission meeting.

Update, March 31, 2009. All revised and/or added text is shown in bold print.) This item was continued to the April 9, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#09PL003) application and to allow the applicant to submit the required information. To date, no additional information has been submitted. In addition, the applicant has requested that this item be continued to the May 7, 2009 Planning Commission meeting. As such, staff recommends that this item be continued to the May 7, 2009 Planning Commission meeting.

(Update, March 16, 2009. All revised and/or added text is shown in bold print.) This item was continued to the March 26, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#09PL003) application and to allow the applicant to submit the required information. On March 12, 2009, the applicant requested that this item be continued to the April 9, 2009 Planning Commission to be heard in conjunction with the associated Preliminary Plat (#09PL003) application. As such, staff recommends that this item be continued to the April 9, 2009 Planning Commission meeting.

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The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal. The property is located at the northwest intersection of Elk Vale Road and Homestead Street. Currently, a commercial building is located on the property. In addition, submitted a Preliminary Plat (#09PL003) application to create a 4.521 acre lot and leave the remaining portion of the property as an unplatted balance.

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

Elk Vale Road: Elk Vale Road is located along the eastern lot line of the proposed lot. Elk Vale Road is on the State Highway System and is identified as an arterial street on the Major Street Plan requiring a minimum 100 foot of right-of-way. The developer is responsible for constructing an arterial street to a collector street standard. Any expansion of the road beyond a collector street standard is considered over sizing and is not the developer's responsibility. Currently, Elk Vale Road is located in a 250 foot wide right-of-way with four paved travel lanes and sewer. There is no curb and gutter, street light conduit, water or sidewalks currently constructed in Elk Vale Road. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code. However, sewer currently exists in Elk Vale Road and the water main is currently located at the southeast corner of the site and it is the developer's responsibility to extend the water main to provide service to the property to the north. Also, additional information is required prior to making a recommendation on the associated Preliminary Plat application. As such staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the June 4, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application.

The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code. However, sewer currently exists in Elk Vale Road. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

On May 27, 2009 the applicant submitted a revised master plan demonstrating that all existing lots as well as the proposed lot configuration in the area will be served by existing water mains. In addition, the master utility plan for the area does not demonstrate a water main being required in the Elk Vale Road right-of-way. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.