

UPDATED STAFF REPORT  
November 5, 2009

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**No. 08SV047 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** **ITEM 34**

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GENERAL INFORMATION:

APPLICANT	Rapid City Economic Development Foundation
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Rapid City Economic Development Foundation
REQUEST	<b>No. 08SV047 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code</b>

EXISTING LEGAL DESCRIPTION	Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence
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S76°22'37"W a distance of 60.35 feet; thence  
N13°37'23"W a distance 302.02 feet; thence  
N77°53'25"E a distance of 57.99 feet; thence  
N05°25'18"W a distance of 258.44 feet to the point of beginning

PROPOSED  
LEGAL DESCRIPTION Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

PARCEL ACREAGE Approximately 6.3 acres

LOCATION 333 Concourse Drive

EXISTING ZONING Light Industrial District

SURROUNDING ZONING  
North: Low Density Residential District  
South: Light Industrial District  
East: General Commercial District  
West: Medium Density Residential District (Planned Development Designation) - Low Density Residential District (Planned Development Designation)

PUBLIC UTILITIES City water and sewer

DATE OF APPLICATION 9/12/2008

REVIEWED BY Travis Tegethoff / Mary Bosworth / Marcia Elkins

RECOMMENDATION:

**Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.**

GENERAL COMMENTS: (Update, November 3, 2009. All revised and/or added text is shown in bold print.) Staff has reviewed the additional information that has been submitted for the related Preliminary Plat application (08PL131.) As part of that application, construction plans for all required improvements for East Anamosa Street and Concourse Drive have been submitted for review and approval. Staff is

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**waiting for the submission of the signed and sealed drawings. As such, the Subdivision Variances that were requested are no longer required. For that reason, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.**

(Update, October 22, 2009. All revised and/or added text is shown in bold print.) This request was continued at the October 22, 2009 meeting to allow the revised plans for the related plat to be reviewed and several issues discussed. The applicant has discussed the over sizing agreements with staff. It appears that many of the outstanding issues related to the plat have been resolved. Staff will review the final submittals with the applicant prior to the November 5, 2009 Planning Commission meeting and provide a recommendation at that time.

(Update, October 15, 2009. All revised and/or added text is shown in bold print.) This request was continued at the October 8, 2009 Planning Commission to allow staff to review the revised plans that had been submitted for the related Preliminary Plat application. Staff reviewed the revised plans and requested a meeting to discuss several issues. Due to scheduling conflicts, the consulting engineer is not able to meet with the staff until after the deadline for completing the staff reports. For this reason, staff recommends that the request for a Variance to the Subdivision Regulations be continued to the November 5, 2009 Planning Commission meeting.

(Update, October 2, 2009. All revised and/or added text is shown in bold print.) This request was continued to the October 8, 2009 Planning Commission meeting to allow the applicant to submit revisions to the public improvement plans previously redlined and returned to the applicant on September 11, 2009. Staff had previously requested that the revised drawings be submitted no later than September 24, 2009 to allow the application to be reviewed and potentially acted on at the October 8, 2009 Planning Commission. The applicant was not able to submit the revised drawings until September 28, 2009. Because of the issues associated with the over sizing requests, the number of changes, the timing of the submission of the revised drawings, report distribution deadlines and staff scheduling, staff has not had a chance to complete the review of the revisions submitted on September 28, 2009. For this reason, staff is recommending that the associated plat (08PL131) application and this subdivision variance request be continued to the October 22, 2009 Planning Commission meeting.

(Update, September 18, 2009. All revised and/or added text is shown in bold print.) This application was continued to the September 24, 2009 Planning Commission to allow the applicant to submit the public improvement plans for review and approval for the associated plat. The plans were submitted and reviewed by City staff. Redline comments were

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returned to the applicant on September 11, 2009. Staff is recommending that the application be continued to the October 8, 2009 Planning Commission meeting to allow the applicant to submit revised plans addressing the redline comments for the associated plat.

(Update, July 29, 2009. All revised and/or added text is shown in bold print.) This item was continued to the August 6, 2009 Planning Commission meeting to allow the request to be considered in conjunction with the associated Preliminary Plat application (08PL131.) The applicant's agent has requested that the associated plat be continued to the September 24, 2009 Planning Commission meeting allowing the required public improvement plans to be submitted for review and approval. Staff recommends that the Subdivision Variance be continued to the September 24, 2009 Planning Commission meeting to allow the request to be considered in conjunction with the associated plat application.

(Update, July 14, 2009. All revised and/or added text is shown in bold print.) This item was continued to the July 23, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL131) 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 August 6, 2009 Planning Commission meeting.

(Update, June 15, 2009. All revised and/or added text is shown in bold print.) This item was continued to the June 25, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL131) 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 July 23, 2009 Planning Commission meeting.

(Update, May 26, 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 (#08PL131) 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 June 25, 2009 Planning Commission meeting.

(Update, May 11, 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 (#08PL131) 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 June 4, 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

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the associated Preliminary Plat (#08PL131) 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, April 14, 2009. All revised and/or added text is shown in bold print.) This item was continued to the April 23, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL131) 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 7, 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 (#08PL131) 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 April 23, 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 (#08PL131) 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 April 9, 2009 Planning Commission meeting.

(Update, February 24, 2009. All revised and/or added text is shown in bold print.) This item was continued to the March 5, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL131) 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 March 26, 2009 Planning Commission meeting.

(Update, February 9, 2009. All revised and/or added text is shown in bold print.) This item was continued to the February 19, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL131) 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 March 5, 2009 Planning Commission meeting.

(Update, January 26, 2009. All revised and/or added text is shown in bold print.) This item was continued to the February 5, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL131) application and to allow the

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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 February 19, 2009 Planning Commission meeting.

(Update, January 9, 2009. All revised and/or added text is shown in bold print.) This item was continued to the January 22, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL131) 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 February 5, 2009 Planning Commission meeting.

(Update, December 5, 2008. All revised and/or added text is shown in bold print.) This item was continued to the December 18, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL131) 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 January 22, 2009 Planning Commission meeting.

(Update, November 21, 2008. All revised and/or added text is shown in bold print.) This item was continued to the December 4, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL131) 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 December 18, 2008 Planning Commission meeting.

(Update, November 12, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. As of this writing, all of the outstanding issues have not been addressed, as such staff is recommending that this item be continued to the December 4, 2008 Planning Commission meeting.

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 along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Preliminary Plat (#08PL131) to revise an existing lot, create one additional lot and leaving the remaining portion of the property as an unplatted balance. The property is located at the southwest of the intersection of East Anamosa Street and Concourse Drive. The property is currently zoned Light Industrial District and a manufacturing facility is currently located on a portion of the property.

**STAFF REVIEW:**

Staff has reviewed the Variance to the Subdivision Regulations request and has noted the

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following considerations:

East Anamosa Street: East Anamosa Street is located along the north lot line of the property and is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. The street is currently undeveloped and located in a minimum 100 foot wide right-of-way. The applicant is requesting a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street as per Chapter 16.16 of the Rapid City Municipal Code. However, this street is located at the intersection of East Anamosa Street and Concourse Drive and would be a continuation of the existing paved Concourse Drive west on East Anamosa Street. It is the developer's responsibility through the platting process to construct East Anamosa Street to a collector street standard. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street as per Chapter 16.16 of the Rapid City Municipal Code be denied. **The applicant has provided the construction plan for the required improvements. As such staff recommends that the Variance to the Subdivision Variance to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.**

Concourse Drive: Concourse Drive is located along the east lot line of the property and is classified as a minor arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. Concourse Drive is currently constructed with a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, street light conduit, water and sewer. However, there is currently no sidewalk constructed along Concourse Drive. On August 4, 2008 City Council approved Ordinance Amendment No. 5410 requiring Section 16.60.080 of the Rapid City Municipal Code requiring sidewalks to be constructed in areas zoned Light Industrial District. The Ordinance Amendment became effective August 29, 2008. There is a residential development proposed to the west of this property and it is important to provide safe pedestrian walkways to connect the residential and industrial developments. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code be denied. **The applicant has submitted construction plans for the required sidewalk improvements along Concourse Drive. It should be noted that pursuant to City Ordinance, the sidewalk improvements are not required to be installed until such time as a building permit is obtained for a new structure on the site. Staff recommends that the Variance to the Subdivision Variance to waive the requirement to install sidewalk along Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code be denied without**

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**prejudice.**

Notification Requirement: The required receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.