

STAFF REPORT
September 23, 2010

No. 10SV009 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road and Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement along Hanks Drive as they abut the property as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Andrea K. Sabow
AGENT	Renner & Associates, LLC
PROPERTY OWNER	Andrea K. Sabow
REQUEST	No. 10SV009 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road and Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement along Hanks Drive as they abut the property as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The E1/2 E1/4 NW1/4 SW1/4, Section 14, T1N, R7E, BHM, Pennington County, South Dakota, excepting there from Lot B of the S1/4 NW1/4, N1/4 SW1/4, Section 14, shown on the plat filed in Plat Book 3, Page 155, and also excepting there from Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and that part of the NE1/4 SW1/4, Section 14, bounded on the north by Lot B of the S1/4 NW1/4 and the N1/4 of the SW1/4, Section 14, shown on the plat filed in Plat Book 3, page 155, and bounded on the east by the right-of-way for "Old U.S. Highway 16" shown on the plat filed in Highway Plat Book 2, Page 48, and bounded on the south by Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and bounded on the west by the west boundary line of said NE1/4 SW1/4
PROPOSED LEGAL DESCRIPTION	Tracts A, B and C of Tower Place, located in the N1/2 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.891 acres
LOCATION	West of Tower Road and north of Skyline Ranch Road

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EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District
East:	General Commercial District - Office Commercial District
West:	Park Forest District
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	5/14/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road and Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement along Hanks Drive as they abut the property be **denied**.

GENERAL COMMENTS:

(Update: September 13, 2010. All revised and/or added text is shown in bold print.) This item has been continued since the June 10, 2010 Planning Commission meeting to allow the applicant to submit additional information. The applicant was put on notice that if the information was not submitted by September 3, 2010, staff would recommend that the Variance to the Subdivision Regulations be denied at the September 23, 2010 Planning Commission meeting. As of this writing, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations be denied to allow the applicant to resubmit the application when the information is available.

(Update: August 30, 2010. All revised and/or added text is shown in bold print.) This item has been continued since the June 10, 2010 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the September 23, 2010 Planning Commission meeting. If the additional information is not submitted by September 3, 2010, staff will recommend that this item be denied at the September 23, 2010 Planning Commission meeting. The applicant may submit a new application once the information has been completed.

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(Update: August 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 5, 2010 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the September 9, 2010 Planning Commission meeting.

(Update: July 23, 2010. All revised and/or added text is shown in bold print.) This item was continued at the July 22, 2010 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the August 26, 2010 Planning Commission meeting.

(Update: July 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the June 24, 2010 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the August 5, 2010 Planning Commission meeting.

(Update: June 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the June 10, 2010 Planning Commission meeting at the applicant's request. In particular, the applicant requested that this item be continued to the June 24, 2010 Planning Commission meeting in order to meet with staff to address on-going utility and access issues.

Staff subsequently met with the applicant to discuss the extension of utilities to the site, access options and the reconfiguration of the proposed lots to prevent creating irregular shaped lots. It was also discussed that if reconfiguring the plat results in lots with less than the minimum three acre lot size required within the Park Forest District, an Initial and Final Residential Development Plan could serve as the tool to allow the reduced lot size(s) contingent upon the average density complying with the requirements of the Park Forest District.

As of this writing, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the July 22, 2010 Planning Commission meeting.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road and Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement along Hanks

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Drive as they abut the property. In addition, the applicant has submitted a Preliminary Plat (File #10PL032) to subdivide the property, a 10.891 acre parcel, into three lots.

On June 2, 2008, the City Council acknowledged the applicant's withdrawal of a Preliminary Plat (File #08PL052) to subdivide the property into two lots. In addition, the City Council acknowledged the applicant's withdrawal of a Variance to the Subdivision Regulations (File #08SV025) to waive the requirement to improve the adjacent streets.

On September 5, 2006, the City Council denied without prejudice a Preliminary Plat (File #06PL086) to subdivide the property into two lots at the applicant's request. In addition, the City Council denied without prejudice a Variance to the Subdivision Regulations (File #06SV038) to waive the requirement to improve the adjacent streets at the applicant's request.

The property is located in the northwest corner of the intersection of Tower Road and Skyline Ranch Road. Currently, Tract A is void of any structural development. Existing single family residences are currently located on proposed Tract B and proposed Tract C.

STAFF REVIEW:

The previously submitted Preliminary Plat(s) for the property were continued several times by the Planning Commission and the City Council to allow the applicant to address utility and access issues. However, the information was never submitted as requested and the applicant ultimately requested that the first Preliminary Plat application be denied without prejudice and withdrew the second Preliminary Plat application. The information was not submitted as a part of this application. Subsequently, the applicant's agent has requested that this item be continued to the June 24, 2010 Planning Commission meeting to in order to meet with staff to address the on-going utility and access issues.

Staff recommends that the Variance to the Subdivision Regulations be denied.