

STAFF REPORT
October 21, 2010

No. 10SV019 - Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit, sewer and water along West Nike Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 11

GENERAL INFORMATION:

APPLICANT	Clint Ackerman
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Freeland Meadows, LLC
REQUEST	No. 10SV019 - Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit, sewer and water along West Nike Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of "Government" Lot 4 of Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract A of Prairie Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.861 acres
LOCATION	Northeast of the intersection of Country Road and West Nike Road
EXISTING ZONING	Low Density Residential District (Planned Development Designation) - Medium Density Residential District (Planned Development Designation)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Development Designation)
South:	Medium Density Residential District (Planned Development Designation)
East:	Low Density Residential District (Planned Development Designation)
West:	Low Density Residential District (Planned Development Designation)

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PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/9/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit and sewer along West Nike Road be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install water along West Nike Road be denied.

GENERAL COMMENTS:

(Update: October 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the October 7, 2010 Planning Commission meeting to allow the applicant to submit additional information. The applicant has subsequently submitted a revised Master Plan, a utility plan and an Exception to allow the property to be served from the high pressure water service system in lieu of the low pressure water service system.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit, sewer and water along West Nike Road as it abuts the property. In addition, the applicant has submitted a Preliminary Plat to subdivide the property creating an 11.861 acre parcel leaving a non-transferable balance. The proposed lot is to be known as Tract A of Prairie Meadows Subdivision.

On June 6, 2005, the City Council approved a Layout Plat (File #05PL022) to subdivide 146.8 acres into 425 residential lots to be known as "Freeland Meadows Subdivision". In addition, the City Council approved a Variance to the Subdivision Regulations (File #05SV012) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Country Road and W. Nike Road as they abut the property.

On April 21, 2008, the City Council approved a revised Layout Plat (File #07PL180) to subdivide the 146.8 acres into 273 lots to be known as Lots 1 thru 263 and Tracts A, B, D, E, F, G, H, I, J and K of Prairie Meadows Subdivision. Proposed Tract A as shown on this plat document was previously identified as Lots 1 through 6, a portion of Lots 7 and 8 and Lots 22 through 49 of Prairie Meadows Subdivision.

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On April 21, 2008, the City Council approved a Comprehensive Plan Amendment to the Major Street Plan (File #08CA001) to relocate LaCrosse Street as it extends through the property.

The property is located northeast of the intersection of Country Road and West Nike 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:

W. Nike Road: W. Nike Road is located along the west lot line of the property and is classified as a collector street on the City's Major Street Plan requiring that it be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, W. Nike Street is located in a 66 foot wide right-of-way and constructed with a 20 foot wide paved surface. As such, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct additional pavement, curb, gutter, sidewalk, street light conduit, water and sewer along W. Nike Road as it abuts the property.

As noted above, a similar Variance to the Subdivision Regulations was approved in 2005. At that time it was identified that the developer has not generally been required to improve the existing road when it is an existing constructed and improved (paved) road; rather they have been required to sign a waiver of right to protest an assessment project. The waiver of right to protest an assessment project insures that the property owners will participate in future improvements. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit and sewer be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements. Please note that the applicant has requested that the requirement to provide a Traffic Impact Study be deferred until the future subdivision of Tract A or any other subdivision of the balance of the applicant's 146.8 acres. Since Tract A will not significantly increase traffic along W. Nike Road or Country Road, staff is in agreement to defer the requirement to provide a Traffic Impact Study as a part of this plat to create an 11.861 acre lot. However, the applicant should be aware that any future subdivision of Tract A or the remaining balance of the 146.8 acres will require that a Traffic Impact Study be submitted for review and approval. In addition, street improvements must be provided as per the recommendation of the Traffic Impact Study.

A water main currently exists within the W. Nike Road right-of-way. As such, the Variance to the Subdivision Regulations to waive the requirement to install water

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along W. Nike Road is not needed. Subsequently, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide water along W. Nike Road be denied.

Legal Notification Requirement: The receipts from the certified mailings have been returned.