

STAFF REPORT  
June 10, 2010

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**No. 10SV008 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along a portion of Fairmont Boulevard as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 16**

GENERAL INFORMATION:

APPLICANT	Skyline Pines East, LLLP
AGENT	Renner & Associates, LLC
PROPERTY OWNER	Skyline Pines East Land Co.
REQUEST	<b>No. 10SV008 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along a portion of Fairmont Boulevard as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The unplatted portion of the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract 1 of Lot 19 and the dedicated Fairmont Boulevard Right-of-way of the Skyline Pines East Subdivision, located in the N1/2 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 42.977 acres
LOCATION	West of Mt. Rushmore Road and North of Tower Road at the western terminus of Cathedral Drive
EXISTING ZONING	Office Commercial District (Planned Commercial Development) - Low Density Residential II District (Planned Residential Development) - General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development) - Low Density Residential District - Park Forest District
South:	Low Density Residential II District (Planned Residential Development) - Office Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Commercial Development)
West:	Low Density Residential II District (Planned Residential

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	Development) - Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/14/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

**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 the southern 400 feet of Fairmont Boulevard as per Chapter 16.16 of the Rapid City 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 pavement, curb, gutter, street light conduit and sidewalk improvements.

**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 along the southern 400 feet of Fairmont Boulevard. In addition, the applicant has submitted a Layout Plat (File #10PL031) to subdivide the property into two lots.

The property is located at the western terminus of Fairmont Boulevard. 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:

**Fairmont Boulevard:** The Layout Plat identifies the extension of Fairmont Boulevard, a commercial street, through the subject property within an 80 foot wide access easement. In particular, the street must be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to improve the southern 400 feet of Fairmont Boulevard. During the review of an associated Layout Plat and Variance to the Subdivision Regulations on property located directly south of the subject property, the applicant submitted topographic information identifying physical constraints limiting the ability to construct a street between the two properties. In particular, any road construction within the right-of-way will likely require a bridge with related drainage improvements. Also it was noted that due to the difference in elevation between the subject property and the adjacent property, water and sewer mains would not be extended within the right-of-way. While it may not be feasible to construct this section of Fairmont Boulevard

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at this time, there may become a time when traffic volume at the Fairmont Boulevard/Mount Rushmore Road intersection warrants construction of the extension of Fairmont Boulevard to Tower Road to alleviate traffic congestion at the intersection of Fairmont Boulevard and Mount Rushmore Road. As such, staff believes that it is appropriate to secure the right-of-way in order to secure the future connection of the street(s) if needed. This is similar to the action taken by the City on that portion of Fairmont Boulevard located directly south of the property. Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the commercial street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the pavement, curb, gutter, street light conduit and sidewalk improvements for this section of Fairmont Boulevard.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 10, 2010 Planning Commission meeting if this requirement is not met.