

STAFF REPORT
March 24, 2011

No. 11SV004 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer, and to reduce the pavement width from 40 feet to 20 feet along West Nike Road as it abuts the property as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Doug Sperlich - Sperlich Consulting, Inc.
PROPERTY OWNER	Prairie Meadows of Rapid City, LLC
REQUEST	No. 11SV004 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer, and to reduce the pavement width from 40 feet to 20 feet along West Nike Road as it abuts the property as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Tract A of Prairie Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 through 8 of Block 1, Lots 1 through 6 of Block 2, and Lot 1A and Lot 1B of Block 3 of Prairie Meadows Subdivision
PARCEL ACREAGE	Approximately 4.29 acres
LOCATION	At the northeast corner of the intersection of West Nike Road and Country Road
EXISTING ZONING	Low 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 Residential Development)
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION 2/25/2011

REVIEWED BY Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer, and to reduce the pavement width from 40 feet to 20 feet along West Nike Road as it abuts the property as per Chapter 16.16 of the Rapid City Municipal Code 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.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer and to reduce the pavement width from 40 feet to 20 feet along West Nike Road as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #11PL014) to subdivide the property creating 16 lots. The applicant has also submitted an Initial and Final Planned Commercial Development (File #11PD014) to allow 47 single family residential lots on the property.

On November 1, 2010, the City Council approved a Preliminary Plat (File #10PL069) to create Tract A of Prairie Meadows Subdivision which included a portion of this property. In addition, the City Council approved a Variance to the Subdivision Regulations (File #10SV019) 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.

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 71 foot wide right-of-way and constructed with a 20 foot wide paved surface and a water main. 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 and sewer along W. Nike Road as it abuts the property.

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As noted above, a similar Variance to the Subdivision Regulations was approved on November 1, 2010. 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.

Legal Notification Requirement: As of this writing, the white slips and green cards from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 24, 2011 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquiries regarding this proposal.