

**REQUEST FOR EXCEPTION TO
RAPID CITY DESIGN STANDARD / CRITERIA / REGULATIONS**

RECEIVED

FEB 19 2014

PROJECT Elks Country Estates - Phase 3

DATE: 2-18-14 **SUBMITTED BY:** Sperlich Consulting, Inc.

**RAPID CITY
PUBLIC WORKS**

PIN #: _____ 821 Columbus Street, Suite 1 Rapid City, SD 57701

LEGAL DESCRIPTION: Dedicated Right-of-Way of East Minnesota Street

EXCEPTION REQUESTED: SECTION _____ **STD / CRITERIA / REG** _____

DESCRIPTION OF REQUEST: Allow the construction of Phase 3 of Elks Country Estates without construction a portion of East Minnesota Street

JUSTIFICATION:

(Please use back of sheet if additional room is needed) East Minnesota Street is currently under contract for this portion of road section under Tax Increment District #65 from Sept of 2007.

SUPPORTING DOCUMENTATION: Yes No

PROPERTY OWNER'S SIGNATURE:** Steve Jankota **DATE:** 2/18/14

**Or Agent, if previously designated by the Owner in writing.

FOR STAFF ONLY

STAFF COMMENTS: The proposed plat includes platting approx. 350' adjacent to the existing E. Minnesota st. ROW, located in 100' of previously dedicated right-of-way. No improvements exist. The platting process is a tool to get all required streets constructed. Without these improvements, the property owner to the east will not have access.

STAFF RECOMMENDATION:

Deny. Refer to attached denial letter.

REVIEWED BY: [Signature] **DATE:** 2/26/14

AUTHORIZATION:

APPROVED DENIED
2/26/2014

BRETT JIMBAUGH
COMMUNITY PLANNING DIRECTOR

DENIED
2/26/14
DATE

[Signature]
PUBLIC WORKS DIRECTOR*

FOR

FILE #: 14EX040

Revised 08/3/12

ASSOCIATED FILE#: 14PL007

*Public Works Director's signature is not required for Lot Length to Width Exceptions, Ordinance No. 5434.



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department Engineering Services Division

300 Sixth Street

Telephone: (605) 394-4154 FAX: (605) 355-3083

Web: www.rcgov.org

February 28, 2014

Sperlich Consulting, Inc.
Kale McNaboe
821 Columbus St Suite 1
Rapid City, SD 57701

Re: Exception File No. 14EX040

Dear Kale McNaboe:

Enclosed please find a copy of the original exception request that was filed with the assigned file number and the decision details.

In the event that an exception request is denied, the Director of Public Works or the Director of Community Planning will advise the applicant of such denial in writing. Any applicant that disputes the denial of an exception may appeal such denial. In order to appeal the denial the applicant shall file a written request of appeal to the Director within ten (10) working days of the denial. The appeal will be placed on the next Public Works Committee agenda, which will then go to The City Council for final consideration.

If you have any questions or need additional information, please contact our office at 605-394-4154.

Sincerely,

Susan Donat

Susan Donat
Administrative Secretary

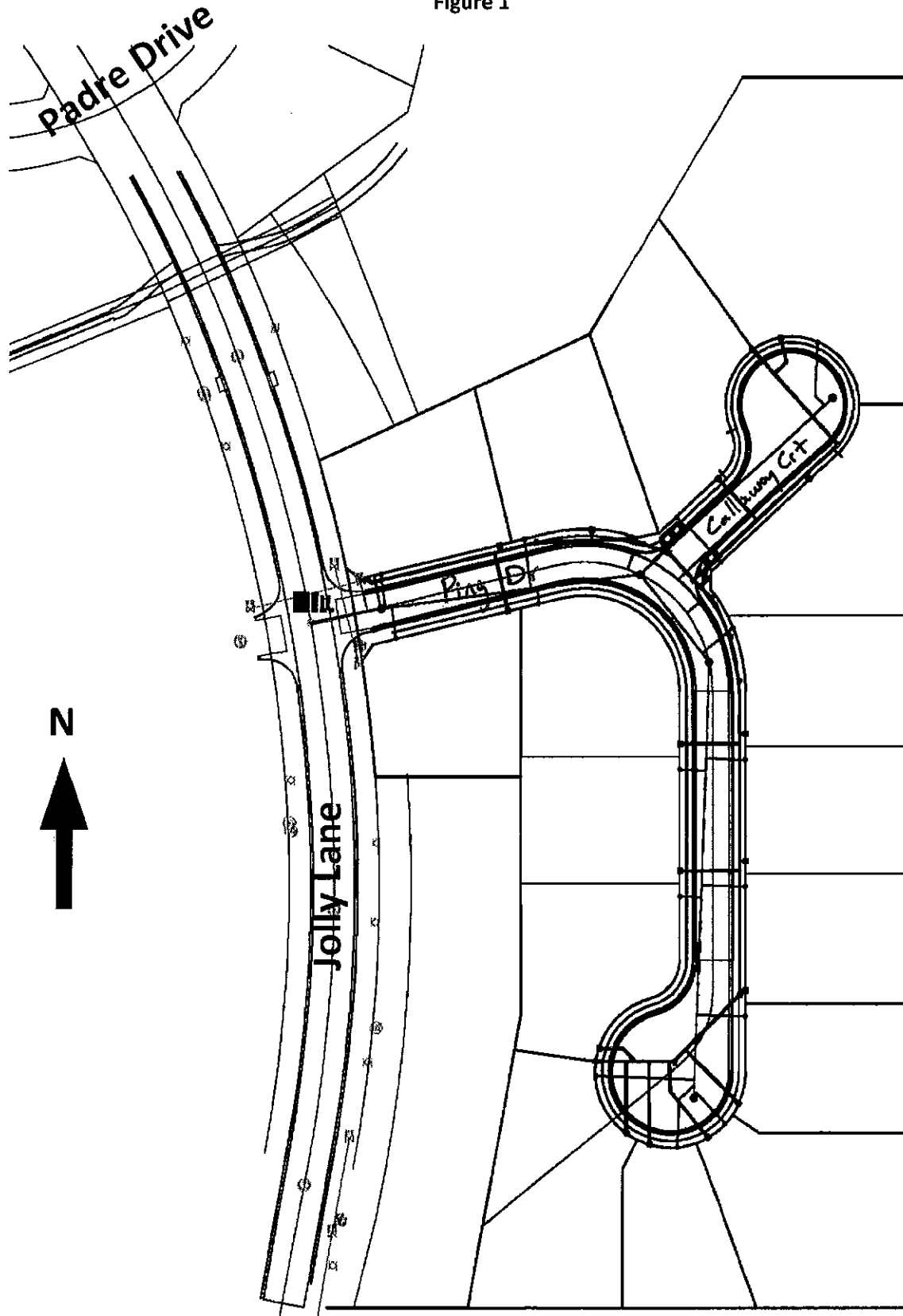
Enclosure



EQUAL HOUSING
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

Figure 1





CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701

Public Works Department Engineering Services Division

300 Sixth Street

Telephone: (605) 394-4154 FAX: (605) 355-3083

Web: www.rcgov.org

February 26, 2014

Mr. Kale McNaboe
Sperlich Consulting, Inc.
821 Columbus Street, Suite 1
Rapid City, SD 57701

Re: Request for Exception to the Rapid City Municipal Code Section 16.16.010 to allow the construction of Phase 3 of Elks Country Estates without constructing the adjacent portion of East Minnesota Street.

Associated with a Preliminary Subdivision Plan for Elks Country Estates, Phase 3, Section 16, T1N, 87E, BHM, Rapid City, Pennington County, South Dakota City File # 14EX040, Related Files # 14PL007

Dear Mr. McNaboe,

Request for Exception to the Rapid City Municipal Code (RCMC) Section 16.16.010 allow the construction of Phase 3 of Elks Country Estates without constructing the adjacent portion of East Minnesota Street is denied.

East Minnesota Street is a minor arterial street, requiring 100' of dedicated right-of-way, pavement, curb, gutter, sidewalk, street light conduit, water and sewer per IDCM Figure 2-1 and Section 3. East Minnesota Street exists today in 100' of right-of-way adjacent to the proposed plat that was previously dedicated via an H-lot, however no improvements exist. Public improvements are triggered when platting occurs adjacent to the right-of-way. The proposed plat includes platting approximately 350' adjacent to the existing East Minnesota Street right-of-way.

RCMC Section 16.16.040 states that proposed streets and streets shown on the major street plan shall be extended to the boundary lines of the tract or parcel to be subdivided in order to ensure access to adjoining parcels of land. Property abutting a proposed subdivision shall not be left land-locked by such proposed subdivision. Unusable reserve strips controlling access to streets shall be prohibited. The configuration, location and



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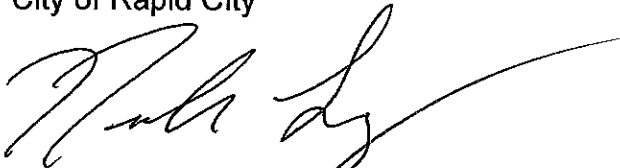
grade of all proposed streets shall be in accordance and with good land planning principles and shall meet the intent of the major street plan. The portion of East Minnesota Street adjacent to this plat is the furthest east portion of land owned by ZCO, Incorporated and improvements need to be extended to the property to the east. A part of the platting process is to ensure that all required improvements are constructed.

A portion of the improvements in East Minnesota Street are included within Tax Increment District #65. However, a TID being in place does not guarantee that the improvements will be constructed.

The denied exception request may be appealed to the City Council by requesting it be placed on the next Public Works Committee agenda. The City Council has final approval of exception requests. In order to appeal the denial the applicant shall file a written request of appeal to the Public Works Director within 10 working days of the denial. Please contact the Public Works Engineering Department if you desire to appeal.

Sincerely,

City of Rapid City

A handwritten signature in black ink, appearing to read 'Nicole Lecy', with a long horizontal flourish extending to the right.

Nicole Lecy, Project Engineer