

STAFF REPORT

March 6, 2003

No. 02SV049 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water on Elk Vale Road

ITEM 38

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 02SV049 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water on Elk Vale Road
EXISTING LEGAL DESCRIPTION	A portion of the SW1/4 NW1/4 and the S1/2 of Government Lot 4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 39.9 acres
LOCATION	East of the intersection of Homestead Street and Elk Vale Road
EXISTING ZONING	General Commercial District w/Planned Development Designation and Office Commercial District w/Planned Development Designation
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	Limited Agriculture District (County) and Office Commercial District w/Planned Development Designation
East:	Office Commercial District w/Planned Development Designation and Medium Density Residential District with Planned Development Designation
West:	General Commercial District/Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/13/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and water **be continued to the March 27, 2003 Planning Commission meeting to allow the applicant to revise the construction plans.**

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GENERAL COMMENTS:

This item was continued at the January 9, 2003 Planning Commission meeting at the applicant's request. Staff had originally recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements and that the Variance to the Subdivision Regulations to waive the requirement to install water be approved contingent upon a water line being constructed to the northwest corner of the subject property within the Elk Vale Road right-of-way.

To date, the construction plans do not show the extension of the water line to the northwest corner of the subject property as identified. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the March 27, 2003 Planning Commission to allow the applicant to revise the construction plans accordingly. Please note that no other part of this Staff Report has been revised.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements and that the Variance to the Subdivision Regulations to waive the requirement to install water be approved contingent upon a water line be constructed to the northwest corner of the subject property within the Elk Vale Road right-of-way.

The applicant has submitted a Variance to the Subdivision Regulations as outlined above. The applicant has also submitted a Preliminary and Final Plat to create a 15 lot commercial development to be known as the Big Sky Business Park. The property has recently been annexed into the City limits of Rapid City and, subsequently, zoned from No Use District to General Commercial District with a Planned Development Designation and Office Commercial District with a Planned Development Designation, respectively.

The property is located east and north of the Rushmore Industrial Park on the east side of Elk Vale Road and is currently void of any structural development.

STAFF REVIEW:

During the review of the Variance to the Subdivision Regulations, staff identified the following considerations:

Curb, gutter and sidewalk: Currently, curb and gutter are located along the west side of Elk Vale Road. The Engineering Division has indicated that due to the terrain along the east side of Elk Vale Road, curb, gutter and sidewalk may be difficult to construct. The existing ditches along this section of the roadway accommodate the drainage flows as needed. The South Dakota Department of Transportation has also indicated that they are not requiring these improvements at this time. As such, staff is recommending that the Variance to waive the

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requirement to install curb, gutter and sidewalk be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Water: Currently, a water line is located within the southern 418 feet of the Elk Vale Road right-of-way as it abuts the subject property. A water line to be constructed within Timmons Boulevard located parallel to Elk Vale Road, will serve the subject property. However, the Engineering Division has indicated that the water line must be extended to the north lot line of the subject property within the Elk Vale Road right-of-way in order to provide water service to future development north of the subject property. Extending a water line from Timmons Boulevard to the northwest corner of the subject property will provide the connection as identified. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water in the Elk Vale Road right-of-way be approved with the stipulation that a water line be constructed to the northwest corner of the subject property within the Elk Vale Road right-of-way.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 9, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.