

STAFF REPORT

March 6, 2003

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**No. 03SV009 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, water, sewer and street light conduit along that portion of Arena Drive lying within the three mile platting jurisdiction of Rapid City**

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**ITEM 42**

GENERAL INFORMATION:

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| PETITIONER                    | FMG, Inc. for Hart Ranch Development Company  |
| REQUEST                       | <b>No. 03SV009 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, water, sewer and street light conduit along that portion of Arena Road lying within the three mile platting jurisdiction of Rapid City</b> |
| EXISTING<br>LEGAL DESCRIPTION | Spring Creek Arena Parcel located in SE1/4 of Section 13, T1S, R7E, BHM, and in SW1/4 of Section 18, T1S, R8E, BHM, Pennington County, South Dakota   |
| PROPOSED<br>LEGAL DESCRIPTION | Tracts A, B and C of Spring Creek Arena Parcel of Hart Ranch Development, located in SE1/4 of Section 13, T1S, R7E, BHM, and in SW1/4 of Section 18, T1S, R8E, BHM, Pennington County, South Dakota   |
| PARCEL ACREAGE                | Approximately 91.827 acres  |
| LOCATION                      | Along Arena Road  |
| EXISTING ZONING               | Planned Unit Development  |
| SURROUNDING ZONING            |   |
| North:                        | Planned Unit Development  |
| South:                        | Planned Unit Development  |
| East:                         | Planned Unit Development  |
| West:                         | Planned Unit Development  |
| PUBLIC UTILITIES              | Community Sewer and Water   |
| DATE OF APPLICATION           | 02/05/2003  |
| REPORT BY                     | Tom Kurtenbach  |

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations waiving the requirement to install pavement, curb, gutter, sidewalk, water, sewer and street light conduit along that portion of Arena Drive lying within the three mile platting jurisdiction of Rapid City be approved.

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GENERAL COMMENTS: The applicant has submitted a Subdivision Regulations Variance to waive the requirement to install pavement, curb, gutter, sidewalk, water, sewer and street light conduit along that portion of Arena Drive lying within the Three Mile Platting Jurisdiction of Rapid City. The applicant has also submitted requests for Preliminary and Final Plats to subdivide one existing parcel into three tracts, Tracts A, B and C (See companion item #03PL018).

The Hart Ranch Planned Unit Development was originally created in 1983 to allow a mixed use of residential, commercial and agriculture uses throughout the 13,058 acres of Hart Ranch. A change to the original Planned Unit Development is proposed with Ordinance Amendment Number PUD 02-09 to allow Rapid Christian School to be located on a portion of the Spring Creek Arena Parcel. A second reading of this Ordinance Amendment was approved by the Pennington County Commission on February 11, 2003.

Staff understands that the proposed school will be a seventh through twelfth grade school with approximately 480 students. The school will consist of a football field, track, softball field and the main classroom building. The arena building will be renovated for classrooms, offices, gymnasium and an auditorium. Currently, National American University is utilizing the arena and has another three years remaining on their contract.

Staff has reviewed the Subdivision Regulations Variance request and has determined that a very small portion of the plat exists within the Three Mile Platting Jurisdiction of Rapid City. A triangular shape bounded by approximately 40 feet along Arena Drive, 98 feet along the Three Mile Platting Jurisdiction boundary line, and 98 feet along the northern most boundary of the proposed plat falls within the City platting jurisdiction. The area within the City platting jurisdiction is approximately 1,960 square feet.

Staff's review of the proposed plat does not include the area outside the City platting jurisdiction boundary, including the north-south section line highway, the east-west section line highway, the 100 year flood plain, and miscellaneous easements.

STAFF REVIEW: Staff has reviewed the Subdivision Regulations Variance request and has identified the following considerations:

The Rapid City Planning Commission and Rapid City Council have consistently approved Subdivision Regulations Variances for developments lying partially within the City's platting jurisdiction and partially outside that jurisdiction. As noted, only a small portion of the subject property is located within the City's jurisdiction. For that reason, Staff is recommending approval of the requested Subdivision Regulations Variances.

Arena Drive Pavement: Arena Drive abuts the east property line of the subject property, and is currently an asphalt paved road without curb, gutter, sidewalks, water, sewer and street light conduit. The road serves as access from Spring Creek Road to the Spring Creek

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Arena that occupies the Spring Creek Arena Parcel. The Subdivision Regulations require that at the time of platting the abutting streets shall be improved to City standards, or a Subdivision Regulation Variance shall be obtained to waive the requirement for improvements.

Approximately 40 feet of Arena Drive lies within the Three Mile Platting Jurisdiction of Rapid City. Arena Drive is approximately 24 feet in width, and currently is not a classified street in the Major Street Plan. Staff review of traffic study(s) for Spring Creek Road and the surrounding area indicates that Arena Drive will likely serve as a subcollector street. The Major Street Plan specifies that a subcollector street with on-street parking on both sides requires a right of way width of 52 feet with a paved surface width of 27 feet. To avoid creating a discontinuous segment of Arena Drive on the north end of the proposed plat, Staff supports a Subdivision Regulations Variance to waive the required paving width of 27 feet for the 40 foot segment of Arena Drive lying within the City's platting jurisdiction.

Curb, Gutter, Sidewalk, Water, Sewer and Street Light Conduit Along Arena Drive: As was previously reported, Arena Drive does not currently include curb, gutter, sidewalk, water, sewer or street light conduit. In an effort to avoid creating a discontinuous segment for the north 40 feet of Arena Drive, Staff is recommending approval of the Subdivision Regulations Variance waiving the installation of curb, gutter, sidewalk, water, sewer and street light conduit along that portion of Arena Drive lying within the Three Mile Platting Jurisdiction of Rapid City.

Section Line Highways: Staff review of the proposed plat indicates that both the east-west and north-south section line highways lie outside the Rapid City Three Mile Platting Jurisdiction. The applicant has requested a Pennington County Subdivision Regulations Variance to waive the improvements to the section line highways. Pennington County Planning Staff recommended that the Subdivision Regulations Variance to waive the section line highway improvements be approved. Staff recommends that consideration be given to an alternative access for emergency ingress/egress to the subject property. The only other alternate legal access identified for this development is the unimproved east-west section line highway. As such, Staff recommends that the section line highway be reserved and maintained unless another emergency access route is identified.

Legal Notification Requirement: At the time of this writing, the receipts from the certified mailing have been returned.