

STAFF REPORT

June 26, 2003

No. 03SV021 - Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk, sewer, water main and street light conduit along West Nike Road **ITEM 33**

GENERAL INFORMATION:

PETITIONER	Dream Design International for Doyle Estes (DTH LLC)
REQUEST	No. 03SV021 - Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk, sewer, watermain and street light conduit along West Nike Road
EXISTING LEGAL DESCRIPTION	SE1/4 SE1/4 less Northbrook Village and Less Right-Of-Way, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1-15 and Outlot C, Block 2; Lots 1-5 and Lots 8-12, Block 3; Lots 18-29 and Outlot B, Block 4, Northbrook Village, located in the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.093 acres
LOCATION	Viking Drive, Titan Drive and Milehigh Avenue
EXISTING ZONING	Low Density Residential District/Planned Residential Development
SURROUNDING ZONING	
North:	County
South:	Low Density Residential District/Planned Residential Development
East:	Low Density Residential District/Planned Residential Development
West:	Low Density Residential District/Planned Residential Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	05/23/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement

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for curb, gutter, sidewalk, sewer, water main and street light conduit along West Nike Road be approved with the following stipulation:

Engineering Division Recommendations:

1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve West Nike Road as it abuts the subject property as outlined above. The applicant has also submitted a Final Plat to subdivide the above legally described property into 37 residential lots and to create two outlots. (See companion item #03PL059.)

On September 17, 2001, City Council approved a Preliminary Plat to subdivide approximately 40 acres into 106 residential lots to be known as Northbrook Village Subdivision. The Preliminary Plat included the subject property. The proposed development has been constructed in phases with this plat being the final phase of the development. (See Preliminary Plat #01PL076.)

On September 4, 2001, City Council approved a Variance to the Subdivision Regulations to allow lots with a length more than twice as long as the width for all of the Northbrook Village Subdivision. (Four of the proposed lots on this plat have a length more than twice as long as the width.)

The property is located in the northwest corner of the Bengal Drive/West Nike Road intersection 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:

West Nike Road: As previously indicated, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer and water along West Nike Road as it abuts the subject property. Currently, these improvements do not exist along West Nike Road. As such, requiring the applicant to improve West Nike Road as identified will create a discontinuous street design. The Engineering Division has indicated that no current or proposed design plans for West Nike Road exist. As such it would be difficult for the applicant to construct the improvements at this time. Staff is recommending that the Variance to the Subdivision Regulations as requested be approved with the stipulation that the applicant sign a waiver of right to protest a future assessment for the improvements.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have

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not been returned. Staff will notify the Planning Commission at the June 26, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.