

STAFF REPORT

June 10, 2004

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**No. 04SV031 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 31**

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for Web Real Estate Holdings Co.
REQUEST	<b>No. 04SV031 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1878.59 feet at a bearing S89°27'22"E to a point; thence travel 59.93 feet at a bearing N00°32'38"E to the Point of Beginning; travel 213.89 feet at a bearing N34°24'28"W to a point on a curve; thence travel 38.11 feet along a 210.00 foot radius Concave Northwesterly curve with a chord bearing N39°36'25"W to a point; thence travel 166.06 feet at a bearing N44°48'23"W to a point on a curve; thence travel 333.97 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N05°32'55"E to a point; thence travel 219.73 feet at a bearing N55°19'07"E to a point; thence travel 267.59 feet at a bearing S34°35'20"E to a point; thence travel 300.18 feet at a bearing S45°00'00"W to a point; thence travel 303.00 feet at a bearing S34°24'28"E to a point; thence travel 108.34 feet at a bearing of S45°10'38"W the Point of Beginning; said parcel contains approximately 3.23 acres more or less
PARCEL ACREAGE	Approximately 3.23 acres
LOCATION	West of the western terminus of Fairmont Boulevard and north of Tower Road
EXISTING ZONING	General Commercial District w/PDD
SURROUNDING ZONING	
North:	Office Commercial District w/PDD
South:	General Agriculture District
East:	General Commercial District w/PCD
West:	Medium Density Residential District w/PDD

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PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	05/14/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Upon submittal of the Preliminary Plat, road construction plans shall be submitted identifying the construction of the north 200 feet of the north-south leg of Fairmont Boulevard with curb, gutter, sidewalk, street light conduit, water, sewer and pavement;
2. Upon submittal of the Final Plat, the plat document shall provide a minimum 80 foot wide right-of-way for all of Fairmont Boulevard; and,
3. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement for a portion of Fairmont Boulevard that abuts the subject property. The applicant has indicated that the first 200 feet of the north-south leg of Fairmont Boulevard will be constructed as it will serve as access to two adjacent properties. The applicant has also submitted a separate Variance to the Subdivision Regulations to waive the requirement to construct the southern 550 feet of Fairmont Boulevard as it extends south to Tower Road.

On May 3, 2004, the City Council approved a Layout plat to subdivide the subject property creating a 1.57 acre commercial lot and leaving an unplatted balance. (See file #04PL046.)

The subject property is located at the western terminus of Fairmont Boulevard on the south side of Fairmont Boulevard and is currently void of any structural development.

STAFF REVIEW:

Staff has reviewed the Variance to the Subdivision Regulations and has noted the following considerations:

Fairmont Boulevard: The associated Layout Plat identifies the extension of an 80 foot wide right-of-way for Fairmont Boulevard to the south lot line of the subject property. Fairmont Boulevard is classified as a commercial street requiring that it be located within a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer. The applicant has submitted topographic information identifying physical constraints within this area of the property and on adjacent

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properties located south of the subject property. While it may not be feasible to construct this section of Fairmont Boulevard at this time, there may become a time when traffic volume at the Fairmont Boulevard/Mount Rushmore Road intersection warrants construction of the extension of Fairmont Boulevard to Tower Road to alleviate traffic congestion at the intersection of Fairmont Boulevard and Mount Rushmore Road. As such, staff believes that it is appropriate to secure the right-of-way in order to secure the future connection of the street(s) if needed. Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve Fairmont Boulevard be approved with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvements and that a minimum 80 foot wide right-of-way be dedicated for the future construction of the street.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 10, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.