

STAFF REPORT
December 9, 2004

No. 04SV070 - Variance to the Subdivision Regulations to waive the requirement to install the sidewalk as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 57

GENERAL INFORMATION:

PETITIONER

Sperlich Consulting, Inc. for Ed Eisenbraun

REQUEST

No. 04SV070 - Variance to the Subdivision Regulations to waive the requirement to install the sidewalk as per Chapter 16.16 of the Rapid City Municipal Code

EXISTING

LEGAL DESCRIPTION

a portion of Tract T of Trailwood Village, and Lot B of Trailwood Village, located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: commencing at the northeasterly corner of Lot B of Trailwood Village, common to the southeasterly corner of Lot A of Trailwood Village, and common to a point on the westerly edge of the right-of-way of Covington Street, and the Point of Beginning; thence, first course: S00°11'02"W, along the westerly edge of the previously dedicated right-of-way of said Covington Street, a distance of 83.43 feet, to a point of curve; thence, second course: southerly, along the westerly edge of the previously dedicated right-of-way of said Covington Street, curving to the right on a curve with a radius of 520.00 feet, a delta angle of 27°14'44", an arc length of 247.27 feet, a chord bearing of S13°48'24"W, and a chord distance of 244.95 feet, to the southeasterly corner of said Lot B, common to the corner of the previously dedicated right-of-way of Avery Drive; thence, third course: northwesterly, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, curving to the left on a curve with a radius of 2043.52 feet, a delta angle of 09°03'34", an arc length of 323.12 feet, a chord bearing of N60°34'20"W, and a chord distance of 322.78 feet; thence, fourth course, N24°53'53"E, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, a distance of 20.00 feet; thence, fifth course: N65°06'07"W, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, a distance of 25.00 feet; thence sixth course: S24°53'53"W, along the northerly edge of the previously dedicated right-of-way of said Avery Drive, a distance of 20.00 feet; thence seventh course: N65°06'07"W, along the northerly edge of the previously dedicated right-of-way of said Avery

STAFF REPORT
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ITEM 57

Drive, a distance of 10.00 feet, to a corner of said Lot B; thence eighth course: N65°06'07"W, along the southerly edge of said Lot B, a distance of 72.70 feet, to the southwesterly corner of said Lot B of Trailwood Village; thence ninth course: S68°57'27"W, a distance of 209.64 feet, to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, tenth course: N51°11'35"W, along the northerly edge of the right-of-way of SD State Highway 44, a distance of 103.00 feet, to the southwesterly corner of said Tract T of Trailwood Village; thence eleventh course: N00°12'10"E, along the westerly boundary of said Tract T of Trailwood Village, common to the easterly boundary of a portion of the SW1/4 of the SW1/4 of said Section 10, a distance of 130.38 feet, to the southwesterly corner of said Lot A of Trailwood Village; thence, twelfth course: S89° 48'58"E, along the southerly boundary of said Lot A of Trailwood Village, a distance of 275.84 feet, to the northwesterly corner of said Lot B of Trailwood Village, common to a point on the southerly boundary of said Lot A of Trailwood Village; thence thirteenth course: S89°48'58"E, along the northerly boundary of said Lot B of Trailwood Village, common to the southerly boundary of said Lot A of Trailwood Village, a distance of 437.17 feet, to the northeasterly corner of Lot B of Trailwood Village, common to the southeasterly corner of Lot A of Trailwood Village, and common to a point on the westerly edge of the right-of-way of Covington Street, and the Point of Beginning; all located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota

PROPOSED

LEGAL DESCRIPTION

Lot BR, Trailwood Village located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota

PARCEL ACREAGE

approximately 3.17 acres

LOCATION

Corner of Covington and Avery Street

EXISTING ZONING

Planned Unit Development (County)

SURROUNDING ZONING

North:

Planned Unit Development (County)

STAFF REPORT
December 9, 2004

No. 04SV070 - Variance to the Subdivision Regulations to waive the requirement to install the sidewalk as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 57

South: Planned Unit Development (County)
East: Planned Unit Development (County)
West: Planned Unit Development (County)

PUBLIC UTILITIES Rapid Valley Sanitary District

DATE OF APPLICATION 11/12/2004

REVIEWED BY Renee Catron-Blair / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install the sidewalk along Avery Street as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Avery Street as it abuts the subject property. The applicant previously submitted a Preliminary Plat to combine existing Lot B with a portion of Tract T into approximately three acres which was approved by the City Council on November 1, 2004 with stipulations. (See item #04PL142.)

The subject property is located on the corner of Covington Street and Avery Street off of South Dakota Highway 44.

STAFF REVIEW:

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

Avery Street: Avery Street currently is constructed with a 60 foot wide right-of-way with a 28 foot wide paved surface with curb and gutter, which the right-of-way width is adequate for on street parking. Pennington County has indicated that with the anticipated future commercial development in this area it will require the need for safe pedestrian access to the site. As such, staff cannot support the Variance request.

Legal Notification Requirement: The receipts from the certified mailings have not been returned as of this writing. Staff will notify the Planning Commission at the December 9, 2004 Planning Commission meeting if this requirement is not met.