

STAFF REPORT
January 6, 2005

No. 04SV075 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk and street light conduit on Teak Drive and sidewalk, curb, gutter, and streetlight conduit on S.D. Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER

Sperlich Consulting, Inc.

REQUEST

No. 04SV075 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk and street light conduit on Teak Drive and sidewalk, curb, gutter, and streetlight conduit on S.D. Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code

EXISTING
LEGAL DESCRIPTION

Commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to

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a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; said Parcel contains 105,545 square feet or 2.423 acres more or less.

PROPOSED

LEGAL DESCRIPTION

Lots 1 and 2 of Lot B of Block 16, Major Drainage Easement of Lot B of Block 16, and Public Access Easement of a portion of Lot B of Block 16, Trailwood Village, all located in the SE1/4, of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota

PARCEL ACREAGE

Approximately 2.423 Acres

LOCATION

Located near the corner of S.D. State Highway 44 and Covington Street

EXISTING ZONING

Planned Unit Development District (County)

SURROUNDING ZONING

North:

Planned Unit Development District (County)

South:

Suburban Residential District (County)

East:

Suburban Residential District (County)/General Commercial District (County)

West:

Planned Unit Development District (County)

PUBLIC UTILITIES

Rapid Valley Sanitary District

DATE OF APPLICATION

12/10/2004

REVIEWED BY

Renee Catron-Blair / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and street light conduit on Teak Drive and sidewalk, curb, gutter, and streetlight conduit on S. D. Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest

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any future assessments for the installation of curb, gutter, and sidewalk along South Dakota Highway 44 as it abuts the subject property.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along S. D. Highway 44 and a Variance to the Subdivision Regulations to waive the requirement to install sidewalk and street light conduit along Teak Drive. The applicant has also submitted a Preliminary Plat to combine one lot into two lots. (See companion item #04PL186.)

The subject property is located on the east corner of Covington Street and future extension of 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:

S. D. Highway 44: S. D. Highway 44 is located along a portion of the south lot line and is classified as a principal arterial street requiring no additional right-of-way. Currently, S. D. Highway 44 is constructed with a 66 foot wide paved surface, street light conduit, water and sewer. Requiring the installation of curb, gutter and sidewalk along this portion of S. D. Highway 44 will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along S. D. Highway 44 be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Teak Drive: Teak Drive is currently constructed in a 60 foot wide right-of-way and constructed with a 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. A Variance to the Subdivision Regulations to waive the improvements is not needed.

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 January 6, 2005 Planning Commission meeting if this requirement is not met.