

STAFF REPORT
February 9, 2006

No. 06SV002 - 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

ITEM 36

GENERAL INFORMATION:

PETITIONER

FMG, Inc. for Belgarde Enterprises

REQUEST

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EXISTING

LEGAL DESCRIPTION

That part of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 5/8" rebar with survey cap marked "FMG Inc. LS SD 1019" at the Center-South-South 1/64 corner of Section 22; Thence S00°12'38"E a distance of 152.63', more or less, to a point; Thence N90°00'00"W a distance of 726.50', more or less, to a point; Thence N64°41'13"W a distance of 267.41', more or less, to a point; Thence Northwesterly, on a curve to the left, said curve having a radius of 226.00', a length of 64.26', a chord bearing of N44°48'37"W and a chord length of 64.04', more or less, to a point; Thence N52°57'20"W a distance of 189.40', more or less, to a point; Thence Northwesterly, on a curve to the right, said curve having a radius of 174.00', a length of 160.82', a chord bearing of N26°28'40"W and a chord length of 155.16', more or less, to a point; Thence N00°00'00"W a distance of 154.75', more or less, to a point; Thence N90°00'00"W a distance of 142.80', more or less, to a point; Thence N45°02'54"W a distance of 14.15', more or less, to a point; Thence N00°05'48"W a distance of 197.85', more or less, to a point; Thence Northeasterly on a curve to the right, said curve having a radius of 341.00', a length of 157.62', a chord bearing of N13°08'43"E and a chord length of 156.22', more or less, to a point; Thence N26°23'14"E a distance of 374.54', more or less, to a point; Thence S63°35'34"E a distance of 18.09', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119" on the south right of way line of Catron Boulevard; Thence S63°35'34"E, along the south right of way line of Catron Boulevard, a distance of 1047.40', more or less, to a point, said point

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being a 5/8" rebar; Thence Southeasterly, along the south right of way line of Catron Boulevard, on a curve to the right, said curve having a radius of 2230.97' a length of 263.77', a chord bearing of S60°12'09"E and a chord length of 263.62', more or less, to a point, said point being a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119"; Thence S00°08'29"E, along the Section 1/4 Line, a distance of 505.50', more or less, to the point of beginning; all located within the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian; said parcel containing 27.497 acres more or less.

PARCEL ACREAGE	Approximately 27.497 acres
LOCATION	At the southeast corner of the intersection of Catron Boulevard and Nugget Gulch Drive
EXISTING ZONING	General Agriculture District - Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	General Agriculture District
East:	General Agriculture District
West:	Medium Density Residential District (Planned Residential Development) - General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/13/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

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 along the sub-collector street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Catron Boulevard be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Catron Boulevard be approved with the following stipulation:

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1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, and sewer along Catron Boulevard and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the sub-collector street located along the south lot line of the subject property. In addition, the applicant has submitted a Preliminary Plat to create a 27.497 acre lot. The applicant has also submitted a Rezoning request to change the zoning designation on a portion of the property from General Agriculture District to Medium Density Residential District. In addition, the applicant has submitted a Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation on a portion of the subject property from Neighborhood Commercial with a Planned Commercial Development to Medium Density Residential with a Planned Residential Development. (See companion items #06PL002, 06RZ001 and 06CA003.)

On March 7, 2005, the City Council approved a Layout Plat to create a 21.23 acre lot, including the subject property. On June 22, 2005, the City Council denied without prejudice a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Catron Boulevard as it abuts the subject property.

On February 10, 2005, the Planning Commission approved an Initial Planned Unit Development to allow 255 dwelling units with detached garages, a club house and recreational uses associated with the residential use to be constructed on a 21.23 acre parcel which included most of the subject property.

The property is located approximately 1,500 feet east of the Catron Boulevard/Sheridan Lake Road intersection on the south side of Catron Boulevard. In addition, the subject property is currently void of any structural development.

STAFF REVIEW:

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

Catron Boulevard: Catron Boulevard is located along the north lot line and is classified as a principal arterial street on the Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, water and sewer. Catron Boulevard is currently located in a 150 foot wide right-of-way and constructed with a 40 foot wide paved surface and water. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Catron Boulevard. However, staff has noted that curb, gutter and sidewalk are required on the property located directly east of the subject property as a part of a recent platting action. Requiring the extension of the improvements along this

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section of Catron Boulevard will provide street design continuity. In addition, the sidewalk will provide a pedestrian walkway for the future tenants of the proposed residential development on the subject property to existing and proposed commercial and residential development within the area. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along Catron Boulevard be denied.

The construction plans show the extension of a sanitary sewer main within the eastern 320 feet of the Catron Boulevard right-of-way. In addition, the construction plans show the extension of a sewer main to the west lot line within a 20 foot wide sanitary sewer easement located on the subject property. The Subdivision Regulations require that a sewer main be located in all of the right-of-way as it abuts the subject property. Staff has noted that the proposed alignment provides service to the subject property as well as providing a sewer within the right-of-way at the eastern lot line of the subject property for the future extension of the main as needed. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a sewer main in a portion of the Catron Boulevard right-of-way as identified be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Sub-collector Street: A Master Plan of the property identifies a sub-collector street located along a portion of the south lot line of the proposed lot. A sub-collector street must be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has indicated that the street will be constructed as a part of a future phase of the development. However, the Subdivision Regulations requires that all streets be constructed as a part of the current plat action. The applicant has not demonstrated or identified a reason why the street can not be constructed at this time. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the sub-collector street be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the February 9, 2006 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.