

STAFF REPORT
March 22, 2007

No. 07SV011 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Homestead Street and Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 44

GENERAL INFORMATION:

PETITIONER

Dream Design International, Inc.

REQUEST

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EXISTING
LEGAL DESCRIPTION

A parcel of land located in the NE1/4 of Section 4 of T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of Lot 3 of Block 1 of Rushmore Business Park, located in the S1/2 NE1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded on November 8, 2001 and filed in Book 30 of Plats on Page 101, said point being located on the southerly edge of Homestead Street right-of-way, and said point being marked by a nail; Thence, curving southeasterly to the left, along the southerly edge of Homestead Street right-of-way, along a curve with a radius of 538.00 feet, a delta of 35°01'57", an arc length of 328.95 feet, and a chord bearing of S72°30'31"E and a chord distance of 323.85 feet, to a point on the southerly edge of Homestead Street right-of-way, said point being marked by a rebar with survey cap "Huus LS 5680"; Thence, continuing easterly along the southerly edge of Homestead Street right-of-way, S89°59'32"E, a distance of 232.16 feet, more or less, to a point along the westerly edge of Elk Vale Road right-of-way, said point being marked by a rebar with cap "RW Fisk 6565"; Thence, southerly along the westerly edge of Elk Vale Road right-of-way, S00°11'38"E, a distance of 196.45 feet, more or less, to the northeast corner of Lot A of 1R of Block 4 of Rushmore Regional Industrial Park, as shown on the plat recorded May 3, 2000 and filed in Book 29 of Plats on Page 148, said point being marked by a SDDOT monument; Thence, westerly along the north edge of said Lot A of Lot 1R of Block 4 of Rushmore Regional Industrial Park, and along the northerly edge of Lot 2 of Block 4 of Rushmore Regional

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Industrial Park, as shown on the plat recorded September 24, 1981 and filed in Book 18 of Plats on Page 103, S89°49'00"W, a distance of 541.37 feet, more or less, to the southeast corner of said Lot 3 of Block 1 of Rushmore Business Park, said point being marked by a rebar with survey cap "Huus LS 5680"; Thence, northerly along the easterly edge of said Lot 3 of Block 1 of Rushmore Business Park, N00°03'55"W, a distance of 295.55 feet, more or less, to the point of beginning

PROPOSED

LEGAL DESCRIPTION

Lot 1 of Block 1 of Hilltop Business Park Subdivision, located in the NE1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

PARCEL ACREAGE

Approximately 2.67 acres

LOCATION

Southwest of the Intersection of Homestead Street and Elk Vale Road

EXISTING ZONING

General Commercial District

SURROUNDING ZONING

North: General Commercial District
South: General Commercial District
East: General Commercial District
West: No Use District

PUBLIC UTILITIES

Public water and sewer

DATE OF APPLICATION

2/23/2007

REVIEWED BY

Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends:

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer, sidewalk and pavement along Homestead Street be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalks, curb and gutter along Elk Vale Road be approved with the stipulation that prior to City Council approval the applicant enter into a Waiver of Right to Protest for the required sidewalks, curb and

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gutter; and,

That the Variance to the Subdivision Regulations to waive the requirement to install, street light conduit, water, sewer and pavement along Elk Vale Road be denied without prejudice.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Homestead Street and Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code. The applicant has submitted a Preliminary Plat application (07PL035) in conjunction with this Variance request to plat a 2.67 acre lot known as Lot 1. The proposed lot is located south of the intersection of Homestead Street and Elk Vale Road. Current zoning of the proposed lot is General Commercial District. The subject property is currently void of any structural development.

STAFF REVIEW:

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

Streets:

The subject property abuts Elk Vale Road, a principal arterial street on the eastern boundary. Elk Vale Road is an improved street that meets the standards of a minimum 100 feet right-of-way width, and three 12 feet wide lanes as required of the developer. Currently, street light conduit, and pavement are in place along Elk Vale Road. Therefore a Variance to the Subdivision Regulations to waive the requirement to install, street light conduit and pavement is not needed. Staff recommends that the application to waive the requirement to install street light conduit, and pavement along Elk Vale Road be denied without prejudice.

Elk Vale Road is currently void of curb, gutter and sidewalks. The applicant is required to construct curb, gutter and sidewalks to City standards. Elk Vale Road at this location is on the State Department of Transportation Highway System. It should be noted that the adjacent segments of Elk Vale Road are a highway section with no curb, gutter or sidewalks in place. Requiring the installation of curb, gutter or sidewalks would result in a discontinuous road section. For this reason, staff recommends approval of the variance to waive the requirement for the installation of curb, gutter or sidewalks with the stipulation that prior to City Council approval, the applicant enter into a Waiver of Right to Protest for the curb, gutter and sidewalk.

The subject property abuts Homestead Street, a collector street located on the northern boundary. Homestead Street is an improved street that meets the standards of a minimum 60 feet right-of way- width, and 24 feet of pavement width as specified in the Street Design Criteria Manual. Currently, street light conduit, curb, gutter, and pavement are in place along Homestead Street as it abuts the subject property. A Variance to waive the requirement to install street light conduit, curb, gutter and pavement width is not needed. Therefore, Staff

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recommends that the application to waive the requirement to install street light conduit, curb, gutter, and pavement along Homestead Street be denied without prejudice. Sidewalks are not in place along Homestead Street. The applicant is required to install a sidewalk along the subject property boundary where it abuts Homestead Street. Residential development (Copperfield Vistas) is currently proposed west of the Rushmore Business Park. Retail development including a grocery store, pharmacy and bank has occurred on the east side of Elk Vale Road at Homestead Street. The residential development and location of commercial business increases the likelihood for pedestrians to be using this segment of road. For this reason, staff finds that the construction of sidewalks along Homestead Street is necessary to provide pedestrians a safe access to travel upon. Staff recommends denial of the Subdivision Variance request to waive the requirement to install sidewalks along Homestead Street.

Water and Sewer

Staff has noted that both water and sewer mains exist along the subject property where it abuts Elk Vale Road and Homestead Street; therefore a Variance to the Subdivision Regulations is not needed to waive these requirement. Staff recommends that the application to waive the requirement to install water and sewer along Elk Vale Road and Homestead Street be denied without prejudice.