

STAFF REPORT

June 26, 2008

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**No. 08SV034 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sidewalk along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 44**

GENERAL INFORMATION:

APPLICANT	Skyline Pines East, LLP
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Skyline Pines East Land Company, LLC
REQUEST	<b>No. 08SV034 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sidewalk along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Remainder of Lot B of the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 9 of Skyline Pines East Subdivision located in the remainder of Lot B of the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximatley 1.60 acres
LOCATION	West of U.S.Highway 16 adjacent to Tower Road and east of Sandstone Lane
EXISTING ZONING	Office Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development Designation)
South:	Office Commercial District (Planned Development Designation)
East:	General Commercial District
West:	Office Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/30/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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### RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water along U.S. Highway 16 be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk along U.S. Highway 16 be approved with the following stipulation:

1. 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 install curb, gutter, sidewalk, street light conduit and water along U.S. Highway 16 as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #08PL088) to subdivide the property creating a 1.6 acre lot and leaving an approximate 56.17 acre unplatted balance.

On January 22, 2008, the City Council approved a Layout Plat (File #07PL172) to create 12 commercial lots to be known as Skyline Pines East, which included this property.

On April 7, 2008, the City Council approved a Preliminary Plat (File #08PL014) to create eight commercial lots as Phase One of Skyline Pines East.

In 2004, a Tax Increment Financing District was approved by the City Council for the reconstruction of Tower Road and infrastructure improvements. In 2007, the City Council approved revisions to the Tax Increment Financing District (#06TI006) to reallocate the project costs.

The property is located south of Tower Road and west of U.S. Highway 16. Currently, the property is void of any structural development.

### STAFF REVIEW:

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

U.S. Highway 16: U.S. Highway 16 is located along the east lot line of the subject property and is classified as a principal arterial street requiring that the street be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. Currently, U.S. Highway 16 is located within an approximate 300 foot wide right-of-way and constructed with an approximate 98 foot wide paved surface, water and sewer. In particular, a 12 inch water main exists along the east side of the U.S. Highway 16 right-of-way meeting the requirements of the 2001 CETEC preliminary design report for Tower Road. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water along U.S. Highway 16 be denied without prejudice.

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To date, curb, gutter, sidewalk and street light conduit have not been constructed along the street. Requiring that the street be improved as it abuts the subject property will create a discontinuous street section. In the past, the Planning Commission and the City Council have granted similar requests when the improvement would create a discontinuous street section. The applicant has also demonstrated that the existing barrow ditches are designed to accommodate storm drainage. In addition, any future development of the property resulting in additional storm drainage will be addressed through the Planned Development process when density increases. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Sidewalks are currently being provided along Tower Road. However, there is a steep incline from U.S. Highway 16 to this property which prevents a sidewalk connection from Tower Road to U.S. Highway 16. As such, staff supports that the Variance to the Subdivision Regulations to waive the requirement to provide sidewalk along this section of U.S. Highway 16 as it abuts the property be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. The applicant should be aware that internal pedestrian access must be provided as a part of the Planned Development process. In addition, the applicant should be aware that upon platting the property located directly north of this site, pedestrian access, either within the right-of-way or internal to the property, must be provided from Tower Road to Mount Rushmore Road.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 26, 2008 Planning Commission meeting if this requirement is not met.