

STAFF REPORT  
January 22, 2009

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**No. 08SV047 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** **ITEM 21**

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GENERAL INFORMATION:

APPLICANT	Rapid City Economic Development Foundation
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Rapid City Economic Development Foundation
REQUEST	<b>No. 08SV047 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code</b>

EXISTING  
LEGAL DESCRIPTION

Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence

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S76°22'37"W a distance of 60.35 feet; thence  
N13°37'23"W a distance 302.02 feet; thence  
N77°53'25"E a distance of 57.99 feet; thence  
N05°25'18"W a distance of 258.44 feet to the point of  
beginning

PROPOSED LEGAL DESCRIPTION	Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.3 acres
LOCATION	333 Concourse Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Light Industrial District
East:	General Commercial District
West:	Medium Density Residential District (Planned Development Designation) - Low Density Residential District (Planned Development Designation)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/12/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

**RECOMMENDATION:**

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **February 5, 2009** Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat application.

**GENERAL COMMENTS:** (Update, January 9, 2009. All revised and/or added text is shown in bold print.) This item was continued to the January 22, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL131) application and to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item

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**be continued to the February 5, 2009 Planning Commission meeting.**

(Update, December 5, 2008. All revised and/or added text is shown in bold print.) This item was continued to the December 18, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL131) application and to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the January 22, 2009 Planning Commission meeting.

(Update, November 21, 2008. All revised and/or added text is shown in bold print.) This item was continued to the December 4, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL131) application and to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the December 18, 2008 Planning Commission meeting.

(Update, November 12, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. As of this writing, all of the outstanding issues have not been addressed, as such staff is recommending that this item be continued to the December 4, 2008 Planning Commission meeting.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Preliminary Plat (#08PL131) to revise an existing lot, create one additional lot and leaving the remaining portion of the property as an unplatted balance. The property is located at the southwest of the intersection of East Anamosa Street and Concourse Drive. The property is currently zoned Light Industrial District and a manufacturing facility is currently located on a portion of the property.

**STAFF REVIEW:**

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

**East Anamosa Street:** East Anamosa Street is located along the north lot line of the property and is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. The street is currently undeveloped and located in a minimum 100 foot wide right-of-way. The applicant is requesting a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa

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Street as per Chapter 16.16 of the Rapid City Municipal Code. However, this street is located at the intersection of East Anamosa Street and Concourse Drive and would be a continuation of the existing paved Concourse Drive west on East Anamosa Street. It is the developer's responsibility through the platting process to construct East Anamosa Street to a collector street standard. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street as per Chapter 16.16 of the Rapid City Municipal Code be denied.

Concourse Drive: Concourse Drive is located along the east lot line of the property and is classified as a minor arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. Concourse Drive is currently constructed with a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, street light conduit, water and sewer. However, there is currently no sidewalk constructed along Concourse Drive. On August 4, 2008 City Council approved Ordinance Amendment No. 5410 requiring Section 16.60.080 of the Rapid City Municipal Code requiring sidewalks to be constructed in areas zoned Light Industrial District. The Ordinance Amendment became effective August 29, 2008. There is a residential development proposed to the west of this property and it is important to provide safe pedestrian walkways to connect the residential and industrial developments. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code be denied.

Notification Requirement: The required receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.