

STAFF REPORT
January 22, 2009

No. 08SV059 - Variance to the Subdivision Regulations to waive the requirement to install sewer along Vineyard Lane, to waive the requirement to install sidewalk along the north side of Vineyard Lane, to waive the requirement to dedicate the section line highway as right-of-way, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Hidden Valley, Inc.
AGENT	Lawrence M. Kostaneski for Centerline, Inc.
PROPERTY OWNER	Olsen Development Co., Inc.
REQUEST	No. 08SV059 - Variance to the Subdivision Regulations to waive the requirement to install sewer along Vineyard Lane, to waive the requirement to install sidewalk along the north side of Vineyard Lane, to waive the requirement to dedicate the section line highway as right-of-way, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The south 495 feet of the NE1/4 SE1/4 less Lot 1, the SE1/4 SE1/4 all in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1A, 1B, 1C, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10, 10A, 10B, 11 of Block 1; Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, of Block 2; Block 3; Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B, utility Lot 1, Outlots 1 thru 3, of Block 4; Block 5; and the dedicated public right-of-way, Skyline Village Subdivision, located in the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 54 acres
LOCATION	Northwest of Promise Road and Golden Eagle Road

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EXISTING ZONING	Office Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Park Forest District (Planned Residential Development) - Medium Density Residential District (Planned Residential Development)
South:	Office Commercial District (Planned Commercial Development)
East:	Public District - Office Commercial District (Planned Commercial Development)
West:	Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/23/2008
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Vineyard Lane 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 improvement;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the north side of Vineyard Lane be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvement; and,
2. A pedestrian access connection shall be provided between the proposed townhome development and the sidewalk along the south side of Vineyard Lane;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate the section line highway as right-of-way located along the east lot line as it abuts Tract B of Tract 1 of W1/2SW1/4 less IGT Subdivision and less right-of-way located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along this portion of the section line highway be approved with the following stipulations:

1. The west half of the section line highway shall be dedicated as right-of-way; and,

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2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate the section line highway as right-of-way located along the south lot line and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway be denied without prejudice.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Vineyard Lane, to waive the requirement to install sidewalk along the north side of Vineyard Lane, to waive the requirement to dedicate the section line highway(s) as right-of-way, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway(s) as they abut portions of the east lot line and the south lot line, respectively. The applicant has also submitted an Initial Planned Unit Development (File #08PD067) to allow the construction of 46 townhome units and two single family residences as a part of Phase One and all of Phase Two of Skyline Village. In addition, the applicant has submitted a SDCL 11-6-19 Review (File #08SR001) to authorize the acquisition of a public utility easement for the future construction of a sewer main across the adjacent City owned property to serve the development.

On November 6, 2006, the City Council approved a Layout Plat (File #06PL160) for the Skyline Village development to create 67 townhome lots and six larger lots. On October 6, 2008, the City Council approved a one year extension of approval for the Layout Plat.

The property is located northwest of Promise Road and Golden Eagle Road. 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:

Sewer: The applicant is requesting to waive the requirement to install a sewer main along a portion of Vineyard Lane as it extends through the property. In addition, the applicant has submitted a Master Utility Plan showing that sewer will be extended along the western portion of Vineyard Lane to serve the proposed development along the street. In particular, the Master Utility Plan identifies that sewer will be extended south from the intersection of Canton Lane and Vineyard Lane to serve the assisted/independent senior living campus and north to serve the proposed townhome development to be located in the northwest

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corner of the property. The balance of the property along Vineyard Lane is identified as open space. The Master Utility Plan also identifies that the townhome development and the single family residential lots located in the eastern portion of the property will be served by a sewer main to be extended across City property located east of the development. In addition, the proposed office commercial development in the southeast corner of the property will be served by a sewer main along Promise Road.

Since the applicant has submitted a Master Plan showing an alternate sewer service to the properties along Vineyard Lane, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer along this portion of Vineyard Lane be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Sidewalk: The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to install a sidewalk along the north side of Vineyard Lane. In addition, the applicant has submitted topographic information demonstrating topographic constraints along the north side of the street for the construction of a sidewalk.

A sidewalk is required within a development to provide a pedestrian access for the adjacent land uses and between land uses. Constructing a sidewalk along the south side of Vineyard Lane will provide a pedestrian access for the assisted/independent senior living campus. If a pedestrian access connection is also provided between the proposed townhome development and the sidewalk along the south side of Vineyard Lane, then pedestrian access is also being provided between uses. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install a sidewalk along the north side of Vineyard Lane be approved with the stipulation that a pedestrian connection be provided between the townhome development and the sidewalk along the south side of Vineyard Lane. In addition, prior to City Council approval, the applicant must sign a waiver of right to protest any future assessment for the improvement.

East Lot Line Section Line Highway: The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to dedicate the section line highway as right-of-way along the east lot line as it abuts Tract B of Tract 1 of W1/2SW1/4 less IGT Subdivision and less right-of-way located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along this portion of the section line highway. In the past, the Planning Commission and the City Council have required that a section line highway be vacated or improved in lieu of granting a Variance except when it is determined that a future street may be needed in the section line highway and when requiring the improvement of the section line highway at this time would create a discontinuous street

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section. The Planning Commission and the City Council have also granted a Variance if the adjacent property owner(s) refuse to sign the Vacation of Right-of-way Petition.

The City owns property located directly south and east of this portion of the section line highway and a building node on the City property exists on the northern portion of the site. It is anticipated that a street may be constructed within this section line highway to serve as access to this portion of the City property in the future. As such, staff can not recommend that the section line highway be vacated. Typically, the City would require that the section line highway be improved when it is determined that a street connection is needed. However, the section line highway located north of this area is currently undeveloped. As such, requiring that this portion of the section line highway be improved to City Street Design Standards would create a discontinuous street section. In addition, the section line highway located adjacent to the City property has been vacated. 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 section line highway be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement. Since the applicant does not own the east half of the section line highway, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate the entire section line highway as right-of-way be approved with the stipulation that the west half of the section line highway, located on the applicant's property, be dedicated as right-of-way.

South Lot Line Section Line Highway: The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to dedicate the section line highway located along the south lot line and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along this portion of the section line highway. As noted above, in the past the Planning Commission and the City Council have required that a section line highway be vacated or improved in lieu of granting a Variance except when it is determined that a future street may be needed in the section line highway and when requiring the improvement of the section line highway at this time would create a discontinuous street section. The Planning Commission and the City Council have also granted a Variance if the adjacent property owner(s) refuse to sign the Vacation of Right-of-way Petition.

The applicant's site plan shows Vineyard Lane constructed in the eastern portion of the section line highway. As such, constructing the balance of the section line highway will create a continuous street section along the south lot line of the property. In addition, the City has not seen a Master Plan for the property located south of the section line highway currently owned by Jerald Johnson to determine if a street may be needed within the section line highway. Based on the previous actions of the Planning Commission and the City

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Council, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate the section line highway as right-of-way and to improve the section line highway be denied without prejudice to allow the applicant to review the option of vacating the section line highway with the adjacent property owner(s).

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 22, 2009 Planning Commission meeting if this requirement is not met. As of this writing, staff has not received any calls or inquires regarding this proposal.