

STAFF REPORT
December 8, 2011

No. 11SV018 - Variance to the Subdivision Regulations to waive the requirement to install curb and gutter, pavement, sidewalk, sewer, water and street light conduit on Tatanka Road and to waive the requirement to install sidewalk, sewer, water and street light conduit for Harley Drive and to waive the requirement to install sewer and water on Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Hog Wild, Inc.
AGENT	Renner & Associates, LLC
PROPERTY OWNER	Clayton Trulson for Hog Wild, Inc. and Stephen J. Post for GCC Dacotah, Inc.
REQUEST	No. 11SV018 - Variance to the Subdivision Regulations to waive the requirement to install curb and gutter, pavement, sidewalk, sewer, water and street light conduit on Tatanka Road and to waive the requirement to install sidewalk, sewer, water and street light conduit for Harley Drive and to waive the requirement to install sewer and water on Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 1-3 of R&L Subdivision and a portion of the SW1/4 of Section 22 and a portion of the N1/2 of Section 27 located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tracts 1-3 of Harley-Davidson Subdivision
PARCEL ACREAGE	Approximately 39.533 acres
LOCATION	South of the intersection of Tatanka Road and Harley Drive
EXISTING ZONING	General Commercial District (Planned Commercial Development) - General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	Light Industrial District (Planned Industrial Development)

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- General Agriculture District

PUBLIC UTILITIES

City sewer and water

DATE OF APPLICATION

9/9/2011

REVIEWED BY

Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and water along Tatanka Road as it abuts Tract 2, to install pavement curb, gutter, sidewalk, street light conduit, sewer and water along Tatanka Road as it abuts Tract 1, to install sewer, water and street light conduit along Harley Drive and to install sewer and water along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

- 1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the street improvements;**
- 2. Prior to submittal of a Final Plat application, the applicant shall enter into a Covenant Agreement securing the timing of the required extension of an eight inch City water main along Harley Drive; and,**

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Tatanka Road as it abuts Tract 2 and Harley Drive be denied.

GENERAL COMMENTS:

(Update: November 29, 2011. All revised and/or added text is shown in bold print.) This item was continued at the November 23, 2011 Planning Commission meeting to allow the applicant to submit additional information. The applicant has recently submitted an agreement for review and approval to defer the installation of a City water main along Harley Drive as a part of the Preliminary Plat approval. The applicant has also submitted a revised plat document proposing to create two lots instead of the originally proposed three lots. In addition, the applicant has submitted a Master Plan for the property identifying future access, circulation and utility corridors.

(Update: November 17, 2011. All revised and/or added text is shown in bold print.) This item was continued at the November 10, 2011 Planning Commission meeting to allow the applicant to submit additional information. The applicant has recently submitted an agreement for review and approval to defer the installation of water as a part of the Preliminary Plat approval. As of this writing, staff has not had sufficient time to review the

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document. As such, staff recommends that the Variance to the Subdivision Regulations and the associated Preliminary Plat be continued to the December 8, 2011 Planning Commission meeting to allow the applicant to continue to work with the City to resolve this issue.

(Update: November 1, 2011. All revised and/or added text is shown in bold print.) This item was continued at the October 27, 2011 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the November 23, 2011 Planning Commission meeting to allow the applicant to submit the additional information.

(Update: October 14, 2011. All revised and/or added text is shown in bold print.) This item was continued at the October 6, 2011 Planning Commission meeting to allow the applicant to submit additional information. On October 11, 2011, staff met with the applicant(s) and their consultant to discuss the outstanding issues. The applicant's consultant indicated that the information would be submitted in time for consideration at the November 10, 2011 Planning Commission meeting. As such, staff recommends that the Preliminary Plat be continued to the November 10, 2011 Planning Commission meeting with the concurrence of the applicants.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb and gutter, pavement, sidewalk, sewer, water and street light conduit along Tatanka Road and to waive the requirement to install sidewalk, sewer, water and street light conduit along Harley Drive and to waive the requirement to install sewer and water along Interstate 90 as they abut the property. In addition, the applicant has submitted a Preliminary Plat (File #11PL051) to subdivide the property into three lots leaving an unplatted balance. The lots are sized 3.275 acres, 3.486 acres and 32.772 acres, respectively, and are to be known as Tract 1 thru 3 of Harley-Davidson Subdivision.

The property is located south of the intersection of Tatanka Road and Harley Drive. The Black Hills Harley Davidson store and a storage building are currently located on proposed Tract 1. Tract 2 and 3 are currently void of any structural development.

STAFF REVIEW:

To date, a Master Plan identifying lot configurations and street and utility corridors has not been submitted for the property, including the unplatted balance. In addition, the applicant has not demonstrated utility service to the proposed subdivision. As such, staff cannot determine if Variances to the Subdivision Regulations as requested can be supported. Subsequently, staff recommends that this item be continued to allow the applicant to submit the necessary information in order to review the Variance request. **(Update: November 29,**

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2011.) As previously noted, the applicant has submitted a Master Plan identifying future access, circulation and utility corridors. As such, staff has reviewed the Variance to the Subdivision Regulations and has noted the following considerations:

Tatanka Road: Tatanka Road is located along the north lot line of the property and is classified as a collector street on the City's Major Street Plan requiring that it be located within a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, that portion of Tatanka Road extending east from Deadwood Avenue to Harley Drive is located within a 100 foot wide right-of-way and constructed with an approximate 36 foot wide paved surface, curb, gutter and sewer. That portion of Tatanka Road located along the north lot line of proposed Tract 1 as shown on the Major Street Plan has not been secured within right-of-way and/or constructed. The applicant has submitted a Variance to the Subdivisions to waive the requirement to install street light conduit and sewer along Tatanka Road from Deadwood Avenue to Harley Drive and to waive the requirement to install pavement, curb, gutter, street light conduit, water and sewer along Tatanka Road as it extends east from Harley Drive, abutting proposed Tract 1.

A City water main currently exists south of Tatanka Road and must be extended along Harley Drive in order to serve future development of the property. Based on the City's Master Utility Plan, a water main is not needed along this area of Tatanka Road. As such, staff recommends approval of the Variance to the Subdivision Regulations to waive the requirement to install water along Tatanka Road with the stipulation that prior to approval by the City Council, the applicant sign a waiver of right to protest any future assessments for the improvement.

In consideration of the Variance request to waive the requirement to improve that portion of Tatanka Road located east of Harley Drive, the applicant has noted that they are the owners of the adjacent 360 acres and that when development is proposed for the 360 acres, this portion of Tatanka Road will be constructed to serve as access to the property. Since this portion of the street is not needed in order to serve the lots currently proposed for platting and since the applicant is the owner of the adjacent 360 acres, 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 Tatanka Road as it extends east from Harley Drive, abutting proposed Tract 1 be approved with the stipulation that prior to approval by the City Council, the applicant shall a waiver of right to protest any future assessments for the street improvements.

Harley Drive: Harley Drive extends south from Tatanka Road to serve as access to the

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property. Harley Drive is classified as a commercial street requiring that it be located within a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Harley Drive is located within a 60 foot wide right-of-way and constructed with a 26 foot wide paved surface, curb and gutter. To date, sidewalk, street light conduit and water have not been constructed along the street. In addition, sewer has not been constructed along the southern portion of the street. As such, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit, water and sewer along Harley Drive.

Sewer currently extends across the adjacent 360 acres and along the northern portion of Harley Drive. The existing sewer system currently serves the Back Hills Harley Davidson store located on the property and is available to serve future development of the property. In addition, the existing sewer system is in compliance with the City's Master Utility Plan. As such, staff recommends approval of the Variance to the Subdivision Regulations to waive the requirement to install sewer along the southern portion of Harley Drive with the stipulation that prior to approval by the City Council, the applicant sign a waiver of right to protest any future assessment for the improvement.

As previously noted, a City water main currently exists south of Tatanka Road and Harley Drive to serve the Black Hills Harley Davidson store currently located on the property. The City's Master Utility Plan identifies the water main extending along Harley Drive to serve this property and neighboring properties. The applicant has indicated that the immediate future use of the property will not require any additional water service be provided and has, subsequently, requested that the requirement to install the water main be deferred. In consideration of the request, the applicant has submitted a Covenant Agreement to delay the timing of the improvement until such time as the property is sold or the City determines that the improvement is needed. Since the existing development on the property currently has water service and since the Covenant Agreement ensures that the water main improvement will be provided by the property owner, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install the water main as a part of the Preliminary Plat be approved with the stipulation that prior to submittal of a Final Plat application, the applicant enter into a Covenant Agreement securing the timing of the required extension of an eight inch City water main along Harley Drive.

Sidewalks: The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to provide a sidewalk along Tatanka Road and Harley Drive. However, the City Council has directed staff to obtain sidewalks wherever possible, even if they are obtained in a piece meal fashion. As such, staff

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recommends that the Variance to the Subdivision Regulations to install sidewalk along Tatanka Road as it abuts Tract 2 and Harley Drive be denied. The applicant should be aware that the sidewalks must be shown on the construction plans as a part of the Preliminary Plat approval but are not required to be constructed until a building permit is obtained. In addition, surety is not required for the installation of a sidewalk as a part of the Final Plat approval.

Interstate 90: Interstate 90 is located along the west lot line and is classified as a principal arterial street requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface. Currently, Interstate 90 is located within a 300 foot wide right-of-way and constructed with four 12 foot wide paved lanes. Subsequently, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide water and sewer along Interstate 90. In addition, the applicant has submitted and staff has approved an Exception request to waive the requirement to provide curb, gutter, sidewalk and street light conduit along Interstate 90.

The City's Master Utility Plan does not show water and/or sewer along Interstate 90. In addition, the utilities are not needed within this right-of-way to serve the applicant's property. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Interstate 90 be approved with the stipulation that prior to approval by the City Council, the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: The white slips and green cards from the certified mailings have been returned. Staff has received a call of inquiry regarding this proposal.