

STAFF REPORT
May 26, 2005

No. 05SV032 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Elk Vale Road and I-90 frontage road; to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the access easements; and to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying and Consulting for Atlantis L.L.C.
REQUEST	No. 05SV032 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Elk Vale Road and I-90 frontage road; to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the access easements; and to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Tract F of W-Y Addition, less Lot H-1 of Lot 1 and less Lot H-1 of Lot 2 and including a portion of DM&E Railroad Right-of-Way, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Atlantis Subdivision, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.04 acres
LOCATION	Elk Vale Road and I-90
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Box Elder
South:	General Commercial
East:	Box Elder
West:	General Commercial
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/29/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement along the access easements; and to allow a lot twice as long as it is wide be tabled; and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Elk Vale Road and I-90 frontage road; as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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.

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 and sewer along Elk Vale Road and the I-90 service road; to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the access easement; and to allow a lot twice as long as it is wide. In addition, the applicant has submitted a Layout Plat to consolidate two lots and a portion of the D.M. & E. railroad right-of-way into one 5.04 commercial lot. (See companion Item 05PL080.) Please note that the property located directly north of the subject property is located in the City limits of Box Elder.

The applicant has submitted a site plan identifying the future construction of a hotel and a restaurant on the subject property and a second hotel and a lounge on the adjacent lot located in the City of Box Elder as one commercial complex. On May 3, 2005, the Zoning Board of Adjustment approved a Variance to the Zoning Ordinance to increase the height from 60 feet in lieu of 45 feet in the General Commercial District for the proposed hotel to be located on the subject property.

The subject property is located in the southeast corner of the intersection of Elk Vale Road and the I-90 service road. Currently, the subject property is void of any structural development.

STAFF REVIEW:

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

Access Easement: The applicant has indicated that an access easement will be extended from the I-90 service road through the adjacent property located in the City limits of Box Elder to serve as legal access to the subject property. The proposed access easement is not located in the platting jurisdiction of Rapid City. As such, staff is recommending that the Variance to

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the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement be tabled. As a part of the associated Layout Plat, staff is recommending that a miscellaneous document be recorded at the Register of Deed's Office securing the proposed access easement as legal access to the site.

Lot Configuration: The applicant has submitted a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide. However, this requirement is only specific to residential lots and the subject property is zoned General Commercial District. As such, staff is recommending that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be tabled.

Elk Vale Road: Elk Vale Road is located along the west lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Elk Vale Road is located in a 200 foot wide right-of-way with a 24 foot wide paved surface. As Elk Vale Road is an existing constructed and improved (paved) road, the developer has not generally been required to improve the existing road; rather they have been required to sign a waiver of right to protest an assessment project. This would insure that the property owners will participate in future improvements. In addition, the applicant has submitted a proposed utility layout showing the extension of water and sewer mains through the subject property in lieu of the adjacent rights-of-way. Public Works staff has reviewed and approved the proposed utility location(s) as shown on the applicant's layout. 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 and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

I-90 Service Road: The I-90 Service Road is located along a portion of the north lot line of the subject property and is classified as a commercial street requiring that the street be located in 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, the I-90 service road is located in the I-90 right-of-way and is constructed with an approximate 246 foot wide paved surface. As noted above, the developer has not generally been required to improve the existing road when it is currently constructed with a paved surface; rather they have been required to sign a waiver of right to protest an assessment project. This would insure that the property owners will participate in future improvements. In addition, the applicant has submitted a proposed utility layout showing the extension of water and sewer mains through the subject property in lieu of the adjacent rights-of-way. Public Works staff has reviewed and approved the proposed utility location(s) as shown on the applicant's

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layout. 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 and sewer be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have been returned. As of this writing, staff has not received any calls and/or inquiries regarding this item.