

STAFF REPORT

April 8, 2004

No. 04SV020 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a section line highway; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Ferber Engineering Company, Inc. for Cregut Inc.
REQUEST	No. 04SV020 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a section line highway; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.370 acres
LOCATION	7800 Alberta Drive
EXISTING ZONING	Highway Service District
SURROUNDING ZONING	
North:	Suburban Residential District
South:	Suburban Residential District
East:	Highway Service District
West:	Highway Service District
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	03/12/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement

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to install curb, gutter, and pavement along a section line highway be denied; and that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sidewalk, water and sewer along a section line highway and to install curb, gutter, sidewalk, street light conduit, water and sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to Preliminary Plat approval by the City Council, 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, water and sewer improvements along Sheridan Lake Road and a section line highway located along the south lot line of the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide a 4.370 acre parcel to create a .975 acre commercial lot leaving a 3.395 non-transferable balance. (See companion item #04PL039.)

The subject property is located 420 feet west of the Okpealuk Street/Sheridan Lake Road intersection on the south side of Sheridan Lake Road. Currently, an in-door tennis facility is being constructed on the proposed lot. In addition, a fitness center is located on the non-transferable balance.

STAFF REVIEW:

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

Sheridan Lake Road: Sheridan Lake Road is located along the north lot line of the subject property and is classified as a principle arterial street on the City's Major Street Plan requiring that the street be located in 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, Sheridan Lake Road is located in an 80 foot wide right-of-way with an approximate 36 foot wide paved surface. The plat document identifies the dedication of ten additional feet of right-of-way along Sheridan Lake Road. Requiring the improvements along Sheridan Lake Road as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Sheridan Lake Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Section Line Highway: A section line highway extends east of Alberta Drive approximately 500 feet along the south line of an adjacent property also owned by the applicant. The section line highway serves as legal access to the proposed lot and is classified as a commercial

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street requiring that the road be located within a minimum 59 foot wide right-of-way and be constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer. The plat document identifies dedicating a 33 foot wide access and utility easement along the north half of the section line highway. Prior to Preliminary Plat approval by the City Council, the plat document must be revised to show the dedication of right-of-way in lieu of an access and utility easement. In addition, the plat document must be revised to show the dedication of right-of-way as needed for the south half of the right-of-way for the section line highway located on an adjacent property(s) or the south half of the right-of-way must be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way must be dedicated at the same time or a Variance to the Subdivision Regulations must be obtained to allow platting half a right-of-way.

Currently, Alberta Drive is constructed with an approximate 24 foot wide paved surface. The proposed street to be located within the section line highway, extending east from Alberta Drive, will serve a commercial use. As such, staff is recommending that the section line street be constructed with a minimum 26 foot wide paved surface. In addition, staff has noted that drainage from the subject property located along the section line highway will flow to the south onto adjacent residential lots. As such, staff is also recommending that curb and gutter be provided along the section line street to accommodate drainage flows from the subject property. Currently, street light conduit, sidewalk, water and sewer are not constructed within Alberta Drive. Requiring the improvements along the section line highway as it abuts the subject property will result in a discontinuous street networking within this area. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along section line highway 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 not been returned. Staff will notify the Planning Commission at the April 8, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.