

STAFF REPORT

May 6, 2004

No. 04SV022 - Variance to the Subdivision Regulations to waive the requirement to reduce the right-of-way width, to waive the requirement to install curb and gutter and to allow platting half a right-of-way 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. 04SV022 - Variance to the Subdivision Regulations to waive the requirement to reduce the right-of-way width, to waive the requirement to install curb and gutter and to allow platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING 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	
DATE OF APPLICATION	04/07/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow platting half a section line right-of-way be approved and that the Variance to the Subdivision Regulations to reduce the right-of-way width from 59 feet to 40 feet and to waive the requirement to install curb and gutter as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to allow platting half of the section line right-of-way, to reduce the right-of-way width for a commercial street and to waive the requirement to install curb and gutter along the north side of the section line

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highway.

On April 19, 2004 the City Council approved a Preliminary Plat to subdivide a 4.370 acre parcel to create a .975 acre commercial lot leaving a 3.395 non-transferable balance. (The .975 acre commercial lot is the subject property.) In addition, the City Council denied a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement along a section line highway and approved a 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 with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvements.

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 and has noted the following considerations:

Curb and Gutter: Currently, drainage from property located north of the section line highway flows across the section line highway and onto properties located directly south of the street. The applicant has proposed that curb and gutter will be provided along the south side of the section line highway to insure that drainage does not impact the adjacent properties. The applicant has requested that the requirement to install curb and gutter along the north side of the section line highway be waived. Staff inspected the site and noted that narrow ditches are located along the north side of the section line highway to accommodate drainage flows from the adjacent property. However, erosion control issues were evident along the ditch. Staff is concerned that due to the narrow ditch being located on the up hill side, the erosion problems will continue. The road potentially will be under cut by the drainage and/or silt and soils will be deposited on the road bed during the storm events. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter as requested be denied.

Section Line Highway: A section line highway extends east from Alberta Drive approximately 500 feet and serves as legal access to the subject property. The street is classified as a commercial street requiring that the road be located in a minimum 59 foot wide right-of-way. The applicant has submitted construction plans showing the street to be constructed in a 40 foot wide right-of-way which includes the north 33 feet of the section line highway and seven feet from property located directly north of the section line highway also owned by the applicant. The applicant is requesting a Variance to the Subdivision Regulations to reduce the right-of-way width for a commercial street from 59 feet to 40 feet and to waive the requirement to plat the south half of the section line highway.

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The property located directly north of the commercial street is also zoned Highway Service. It is anticipated that as the site develops additional commercial traffic will be generated along the commercial street. As such, staff is recommending that the Variance to the Subdivision Regulations to reduce the right-of-way width as proposed be denied. Staff has also noted that the applicant does not own the south half of the section line highway and, as such, is recommending that the Variance to the Subdivision Regulations to allow platting half of the section line highway be approved.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 6, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.