

STAFF REPORT
February 10, 2005

No. 05SV002 - Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk and planting screen easement along Creek Drive; to waive the requirement to install additional pavement and planting screen easement along East St. Patrick Street; and, to waive the requirement to install sidewalk along East St. Charles Street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Jim Letner
REQUEST	No. 05SV002 - Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk and planting screen easement along Creek Drive; to waive the requirement to install additional pavement and planting screen easement along East St. Patrick Street; and, to waive the requirement to install sidewalk along East St. Charles Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot B of Lot 3 of Tract D located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 through 5, Park Meadows Subdivision, located in the SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.34 acres
LOCATION	1720 East Saint Patrick Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	01/12/2005
REVIEWED BY	Renee Catron-Blair / Bob Dominicak

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to 1) waive the requirement to install additional pavement along East Saint Patrick Street be tabled; 2) to waive the requirement to provide a ten foot wide planting screen easement along Creek Drive and East Saint Patrick Street be tabled; 3) to waive the requirement to install sidewalk along East Saint Charles Street be approved; and, 4) to waive the requirement to install additional pavement, curb, gutter and sidewalk along Creek Drive be approved with the stipulation:

1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of sidewalk along East Saint Charles Street and the installation of additional pavement, curb, gutter and sidewalk along Creek Drive.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk and provide a planting screen easement along Creek Drive; to waive the requirement to install additional pavement and provide a planting screen easement along East Saint Patrick Street; and, to waive the requirement to install sidewalk along East Saint Charles Street as they abut the subject property. The applicant has also submitted a Layout Plat to subdivide the subject property from approximately an eight acre lot into five general commercial lots. (See companion item #05PL006.)

The property is located along East Saint Patrick Street, Creek Drive and East Saint Charles Street. Currently, there are no structures on the property.

STAFF REVIEW:

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

East Saint Patrick Street: East Saint Patrick Street is located along the south lot line 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 and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. To date, East Saint Patrick Street is located in an 80 foot wide right-of-way and constructed with a 48 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to improve pavement along East Saint Patrick Street; however, the street is currently paved in excessive of the developer's responsibility of 40 feet. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve pavement be tabled.

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Creek Drive: Creek Drive is located along the east lot line of the subject property and is classified as a minor arterial street on the City's Major Street Plan. A minor arterial street must be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Creek Drive is located in a 66 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface and sewer. As Creek Drive 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. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter and sidewalk be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. (Please note that the applicant has not submitted a Variance to the Subdivision Regulations to waive the requirement to install street light conduit and water along Creek Drive.)

East Saint Charles Street: The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install sidewalk along East Saint Charles Street. Currently, an eight foot wide paved bike path is located along East. Saint Charles Street and accommodates pedestrian traffic along this street section. In addition, a sidewalk exits along the north side of the street. A sidewalk is not in place on the opposite side of the street. Requiring that a sidewalk be constructed on the opposite side of the road as a part of this plat action will create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along East Saint Charles Street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Planting Screen Easement: The Subdivision Regulations states that a 10 foot wide planting screen easement is required along all residential lots which abut an arterial street. However, the subject property is currently zoned General Commercial District. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement along East Saint Patrick Street and Creek Drive be tabled.

Legal Notification Requirement: The receipts from the certified mailings have not been returned as of this writing. Staff will notify the Planning Commission at the February 10, 2005 Planning Commission meeting if this requirement is not met.