

STAFF REPORT

April 7, 2005

No. 05SV019 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Creek Drive and East Saint Charles Street and to waive the requirement to dedicate additional right-of-way along Creek Drive and East Saint Patrick 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. 05SV019 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Creek Drive and East Saint Charles Street and to waive the requirement to dedicate additional right-of-way along Creek Drive and East Saint Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	SW1/4 of the SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 Acres
LOCATION	1720 East St. 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	Approximately 8.34 acres
DATE OF APPLICATION	2/25/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Creek Drive and East Saint Charles Street and to waive the requirement to dedicate additional right-of-way along Creek Drive and East Saint Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 21, 2005 Planning Commission meeting at the applicant's request.

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GENERAL COMMENTS:

(This Staff Report has been updated on March 27, 2005. All revised and/or added text is shown in bold print.) This item was continued at the March 24 2005 Planning Commission meeting at the applicant's request. On March 30, 2005, the applicant requested that this item be continued to the April 21, 2005. As such, staff is recommending that the Variance to the Subdivision Regulations be continued as requested. Please note that no other part of this Staff Report has been revised.

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 located 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 dedicate ten additional feet of right-of-way along East Saint Patrick Street as it abuts the subject property. However, the City Council and the Planning Commission have routinely required that the additional right-of-way be dedicated as a part of the review and approval of a plat. In particular, obtaining the right-of-way as required at the time the property is subdivided precludes the City from having to purchase the right-of-way when it is needed in the future. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the additional right-of-way be denied.

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

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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, water 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. This would insure that the property owners will participate in future improvements. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, and street light conduit approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. In addition, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer be tabled as these improvements exist.

The applicant is also requesting a Variance to the Subdivision Regulations to waive the requirement to dedicate 17 additional feet of right-of-way along Creek Drive. However, the City Council and the Planning Commission have routinely required that the additional right-of-way be dedicated as a part of the review and approval of a plat. In particular, obtaining the right-of-way as required at the time the property is subdivided precludes the City from having to purchase the right-of-way when it is needed in the future. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the additional right-of-way be denied.

East Saint Charles Street: The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter sidewalk, street light conduit, water, sewer and pavement along East Saint Charles Street. Requiring the construction of curb, gutter, sidewalk and street light conduit would result in a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit 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 improvements. In addition, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water be tabled as this improvement exists.

Currently, Creek Drive is a paved street with City sewer. Requiring that East Saint Charles Street be paved and that the City's sewer main be extended along the street will create a continuous street design as it extends off Creek Drive. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to pave Creek Drive and to install sewer be denied.

Exception: The applicant has submitted a site plan identifying two approaches to the subject property along East St. Patrick Street. In addition, the site plan shows Ash Street extending

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south from East St. Patrick Street. The two approaches provide a separation of 60 feet and 50 feet, respectively, with Ash Street. The Street Design Criteria Manual requires a minimum 75 foot separation between driveway(s) and streets. In addition, the most eastern approach is located 200 feet from the East St. Patrick Street/Creek Drive intersection in lieu of 230 feet as required by the Street Design Criteria Manual. The applicant has requested an Exception to reduce the separation between Ash Street and the two approaches as identified and to reduce the separation between the eastern approach and the East St. Patrick Street/Creek Drive intersection. However, traffic safety issues arise with the proposed alignments. The separation requirements identify minimum distances between driveways and street intersections(s) in order to reduce the points of conflict along the street section. In particular, ingress and egress turning movements along the street section(s) are compromised with the reduction in separation between driveways and intersecting streets. Staff has noted that combining the two approaches into one that aligns with Ash Avenue eliminates the need to seek both Exceptions. In addition, the applicant could shift the approaches further west and meet the separation requirement(s). As such, staff is recommending that the Exceptions as identified be denied.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has received two telephone calls voicing opposition to this request.