

STAFF REPORT
August 10, 2006

No. 06SV046 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to waive the requirement to install sidewalk on both sides of West Chicago Street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Centerline for Founder's Park, LLC
REQUEST	No. 06SV046 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to waive the requirement to install sidewalk on both sides of West Chicago Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 11, Founders Park Subdivision; and the dedicated public right-of-way, formerly the unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20 acres
LOCATION	North of Omaha Street and west of West Street
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Park Forest District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/14/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

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

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install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements be approved; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of West Chicago Street be approved with the following stipulation:

1. A sidewalk shall be provided along one side of the street.

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 the access easements and to waive the requirement to install sidewalk on both sides of West Chicago Street. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into eleven lots. The proposed development is to be known as "The Village at Founders Park". (See companion item #06PL115.)

On July 5, 2006, the City Council approved a Preliminary Plat to subdivide the subject property into two lots leaving an unplatted non-transferable balance.

On March 9, 2006, the Planning Commission approved an Initial Planned Residential Development to allow a mix of multi-family units and office use to be constructed on the subject property. On March 20, 2006, the City Council approved a Layout Plat to subdivide the subject property into three lots. In addition, the City Council approved a Comprehensive Plan Amendment to the Major Street Plan to eliminate West Street as a collector street. The City Council also approved a Variance to the Subdivision Regulations as follows:

1. To waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 60 foot wide road easement located on proposed Lot 3;
2. To waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to reduce the right-of-way/easement widths from 49 feet to 20 feet and 24 feet, respectively, for the proposed private access easement with the stipulation that the private access easement be constructed with a minimum 20 foot wide paved surface; and,
3. To waive the requirement to install sidewalk along both sides of the commercial street with the stipulation that a sidewalk be provided along one side of the street.

On April 17, 2006, the City Council approved a Vacation of Right-of-way to vacate West Street with the stipulation that the applicant enter into an agreement with the City to insure that West Street shall remain in place with adequate easement(s) being recorded at the Register of Deed's Office and to insure the coordination of the removal and construction of access street(s) as needed.

The property is located at the western terminus of W. Chicago Street and is currently void of any structural development.

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STAFF REVIEW:

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

W. Chicago Street: The applicant is proposing to construct a sidewalk along one side of W. Chicago Street in lieu of both sides of the street. During the review of the previous Preliminary Plat to create two lots, the applicant requested and obtained a similar Variance to the Subdivision Regulations. In particular, the applicant proposed the use of meandering sidewalks as a part of the Planned Unit Development. In addition, staff noted that a sidewalk along one side of the street will provide pedestrian access along the street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the street be approved with the stipulation that a sidewalk be constructed along one side of the street.

Access Easement: The plat document identifies a 140 foot wide access and utility easement to serve as access between Lots 1 thru 5 and a 155 foot wide access and utility easement to serve as access between Lots 6 thru 9. The access and utility easements are classified as commercial streets requiring that they be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access and utility easements. In particular, the applicant has requested that the Initial and Final Planned Unit Development serve as a tool to insure pedestrian access through the site, lighting and utility extensions as needed. As such, staff is recommending that the Variance to the Subdivision Regulations be approved as requested.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the August 10, 2006 Planning Commission meeting if this requirement has not been met.