

STAFF REPORT
January 4, 2007

No. 06SV069 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks, curb, gutter, street light conduit, sewer and water main along Mall Drive and N. Maple Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Judy Lien
REQUEST	No. 06SV069 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks, curb, gutter, street light conduit, sewer and water main along Mall Drive and N. Maple Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2, 3 and 4 of LJS Subdivision, formerly a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.38 acres
LOCATION	N. Maple Avenue and Mall Drive
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Shopping Center-2 District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/27/2006
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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

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requirement to install curb, gutter, sidewalk and street light conduit and to reduce the pavement width from 40 feet to 26 feet along Mall Drive be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,
2. Access shall not be taken from Mall Drive.

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along Mall Drive be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall enter into a cost sharing agreement with the City for the cost of extending sewer along Mall Drive as it abuts the subject property;

That the Variance to the Subdivision Regulations to waive the requirement to install water along Mall Drive be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along N. Maple Avenue be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit along N. Maple Avenue be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install water and sidewalk along N. Maple Avenue be denied.

GENERAL COMMENTS:

(Update, December 19, 2006. All revised and/or added text is shown in bold print.) This item was continued at the December 7, 2006 Planning Commission meeting to allow the applicant to submit additional information. On December 18, the applicant submitted a Master Utility Plan as required.

(Update, November 25, 2006. All revised and/or added text is shown in bold print.) This item was continued at the November 22, 2006 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the January 4, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

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 Mall

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Drive and N. Maple Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as they abut the subject property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into three lots leaving a non-transferable unplatted balance. (See companion item No. 06PL175.)

The property is located in the southeast corner of the intersection of Mall Drive and N. Maple Avenue. Currently, the property is void of any structural development.

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

During the review of the associated Layout Plat, staff noted that an existing 12 inch water main is located along the north-south portion of N. Maple Avenue, including that portion of the street abutting proposed Lot 4. In addition, a water main, owned by and utilized for Rushmore Mall, is located in the balance of N. Maple Avenue as it abuts the subject property. A 12 inch water main is also located along Mall Drive up to the northwest corner of proposed Lot 2. It appears that the water main must be extended along Mall Drive and/or N. Maple Avenue in order to serve Lot 2. In addition, an eight inch sewer main is located along N. Maple Avenue, with the exception of that portion of the street abutting proposed Lot 4. To date, a sewer main has not been constructed along Mall Drive as it abuts the subject property. Due to the topography of the subject property, it is unclear if the sewer along N. Maple Avenue can gravity sewer all of the subject property. The applicant has not submitted a utility master plan demonstrating service to the lots. As such, staff is recommending that the associated Layout Plat and the Variance to the Subdivision Regulations be continued to allow the applicant to submit the additional information. **On December 18, 2006, the applicant submitted a Master Utility Plan showing the extension of a sewer main along N. Maple Avenue, a water main along Mall Drive and water and sewer service lines to each of the proposed lots.**

Mall Drive: Mall Drive is located along the north lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan. A principal 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, Mall Drive is located in a 150 foot wide right-of-way and constructed with an approximate 26 foot wide paved surface. In addition, a water main has been constructed along a portion of the property, or to the northwest corner of proposed Lot 2. The Master Utility Plan submitted on December 18, 2006, identifies the extension of a 12 inch water main along Mall Drive as it abuts all of the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water along Mall Drive be denied without prejudice.

The Master Utility Plan shows sewer service to each of the proposed lots from a

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sewer main located in N. Maple Avenue. The Public Works staff has noted that the City has a project proposed in 2010 to extend a sewer main along Mall Drive. To date, the elevation of the sewer line has not been designed. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Mall Drive be approved with the stipulation that prior to City Council approval, the applicant enter into a cost sharing agreement with the City for the cost of extending sewer along Mall Drive as it abuts the subject property.

Staff has noted that requiring the balance of the improvements along Mall Drive 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 requirement to install curb, gutter, sidewalk, street light conduit and to reduce the pavement width from 40 feet to 26 feet along Mall Drive be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements and that access not be taken from Mall Drive.

N. Maple Avenue: N. Maple Avenue is located along the south and west lot lines of the subject property. The street is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, N. Maple Avenue is located in a 100 foot wide right-of-way and constructed with an approximate 40 foot wide paved surface. In addition, a water main has been constructed along the north-south leg of N. Maple Avenue and a sewer main has been constructed along the east-west leg of N. Maple Avenue. The applicant is also proposing to extend the sewer main approximately 300 feet along the southern portion of the north-south leg of N. Maple Avenue. The Master Utility Plan identifies that each of the proposed lots will be served by the existing and/or proposed water and sewer extensions along N. Maple Avenue and Mall Drive. The Public Works Department staff has indicated that the sewer main in N. Maple Avenue will not connect with the future sewer main to be located in Mall Drive. In addition, the Master Utility Plan demonstrates that existing and proposed sewer mains within N. Maple Avenue right-of-way will provide service to adjacent properties when needed. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer be approved.

Currently, a water main is located within the north-south leg of N. Maple Avenue. In addition, a water main, partially publicly owned and partially privately owned, is currently extended through the Rushmore Mall site connecting with a public water main in Disk Drive. A water main is needed in the east-west leg of N. Maple Drive to provide water service to undeveloped property located east of the subject property and to provide a public water system loop between Mall Drive and Disk Drive. As such, staff is recommending that the Variance to the Subdivision Regulations to

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waive the requirement to install water along N. Maple Avenue be denied.

Curb, gutter and street light conduit are currently located along N. Maple Avenue. As such, staff is recommending that the Variance to Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit be denied without prejudice.

To date, sidewalk has not been constructed along N. Maple Avenue as it abuts the subject property. However, the property is zoned General Commercial District and is located within an area of existing commercial uses, including the Rushmore Mall. It is anticipated that there will be pedestrian traffic between properties as this area continues to develop. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be denied.

Legal Notification Requirement: The receipts from the certified mailings have been returned. **To date, staff has not received any calls of inquiry regarding this proposal.**