

STAFF REPORT

June 7, 2007

No. 07SV027 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer and sidewalk on Mount Rushmore Road; request to reduce the required pavement width in the motel access easement from 26 feet to 24 feet and to reduce the access easement width from 59 feet to 49 feet as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	CETEC Engineering Services, Inc. for JR Investments, LLC
REQUEST	No. 07SV027 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer and sidewalk on Mount Rushmore Road; request to reduce the required pavement width in the motel access easement from 26 feet to 24 feet and to reduce the access easement width from 59 feet to 49 feet as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Tract C Revised of Walpole Heights Subdivision and Lot AB1, all in Section 11, T1N, R7E, BHM, Rapid City, Pennington County
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Block 1 of Walpole Heights Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.09 acres
LOCATION	2707 Mount Rushmore Road
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District - Office Commercial District
East:	General Commercial District
West:	General Commercial District - Office Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/11/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer and sidewalk on Mount Rushmore Road, the request to reduce the required pavement width in the motel access easement from 26 feet to 24 feet and to reduce the access easement width from 59 feet to 49 feet as per Chapter 16.16 of the Rapid City Municipal Code 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 along Mount Rushmore Road.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer and sidewalk on Mount Rushmore Road, to reduce the required pavement width in the motel access easement from 26 feet to 24 feet and to reduce the access easement width from 59 feet to 49 feet as per Chapter 16.16 of the Rapid City Municipal Code. The property is zoned General Commercial with a Planned Commercial Development and a motel and restaurant are currently located on the subject property. The applicant has also submitted a Preliminary Plat (07PL068) and a Major Amendment to the Planned Commercial Development (07PD036).

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

Mount Rushmore Road: Mount Rushmore Road is located along the eastern lot line of the subject property. Mount Rushmore Road is on the State Highway System and is identified as an arterial street on the Major Street Plan requiring a minimum 100 foot of right-of-way. The developer is responsible for constructing an arterial street to a collector street standard. Any expansion of the road beyond a collector street standard is considered over sizing and is not the developer's responsibility. Currently, Mount Rushmore Road is located in a 115 foot wide right-of-way with four paved travel lanes and water. There is no curb, gutter, sewer or sidewalks currently constructed in Mount Rushmore Road. Staff noted that the construction of curb, gutter and sidewalk along Mount Rushmore Road would create a discontinuous street section and the subject property is currently served by sewer located in Fairmont Boulevard. For those reasons, staff recommends that the variance to waive the requirement to install curb, gutter, sewer and sidewalks along Mount Rushmore Road be approved with the stipulation that the applicant sign a waiver of right to protest the future assessment for these improvements.

Access Easement: An access easement is identified on the plat document providing access to Lot 2 of the proposed plat. The access easement is classified as a commercial street requiring that the street 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

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and sewer. The applicant's site plan identifies the access easement as being constructed in a 49 foot wide right-of-way with 24 feet of pavement, curb, gutter, sidewalks, street light conduit, sewer and water. The applicant has submitted a Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and reduce the right-of-way width from 59 feet to 49 feet. Staff also noted that an exception was approved on May 21, 2007 to allow curb side sidewalks along the access easement road. Staff noted that the access easement provides access to only one lot and the existing roadway is currently being used as access to the existing motel. Staff also noted that no additional development is being proposed at this time. For those reasons, staff recommends that the Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and reduce the right-of-way width from 59 feet to 49 feet be approved.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 7, 2007 Planning Commission meeting if this requirement has not been met.