

STAFF REPORT
July 26, 2007

No. 07SV036 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of shared access and utility easements, to waive the requirement to install street light conduit, water, and sewer in shared access easements and to reduce the easement widths to 48 feet and 50 feet as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Best Buy Stores
REQUEST	No. 07SV036 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of shared access and utility easements, to waive the requirement to install street light conduit, water, and sewer in shared access easements and to reduce the easement widths to 48 feet and 50 feet as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 8R of Block 3, located in the NW1/4 NE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Best Subdivision, located in the NW1/4 NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.01 acres
LOCATION	2320 North Haines Avenue
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	6/29/2007

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REVIEWED BY

Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the east-west easement width to 48 feet be approved;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of the east-west shared access and utility as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water, and sewer in the north-south shared access and utility easement and to reduce the easement width to 50 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of the north-south shared access and utility as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. A sidewalk shall be provided on one side of the street; and,

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water, and sewer in the east-west shared access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of the shared access and utility easements, to waive the requirement to install street light conduit, water, and sewer in shared access easements and to reduce the easement widths to 48 feet and 50 feet as per Chapter 16.16 of the Rapid City Municipal Code. The applicant has also submitted a Preliminary Plat (07PL088) application to create one 0.51 acre lot and one 4.40 acre lot. The property is located northeast of Haines Avenue and Disk Drive. The property in question is zoned General Commercial with a Planned Commercial Development. Currently Best Buy is located on the property.

On December 22, 1999 City Council approved a Final Plat (99PL122) for the property with stipulations.

On May 8, 2003 Planning Commission approved a Planned Commercial Development –

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Final Development Plan (03PD015) for the property with stipulations.

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

East-West Access Easement: An access easement is located along the north lot line of the property and is classified as a commercial/industrial 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, street light conduit, water and sewer. Currently, the access easement is located in a 48 foot wide easement and is constructed with a 27 foot wide paved surface, curb, gutter, street light conduit, water, sewer and sidewalk on the south side. The applicant has submitted this Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of shared access and utility easement, to waive the requirement to install street light conduit, water, and sewer in the shared access easement and to reduce the easement width to 48 feet as per Chapter 16.16 of the Rapid City Municipal Code.

This easement was previously approved and constructed as part of Tract 1 of Martley Subdivision. Additionally, a Variance to the Subdivision Regulations(01SV032) was approved to construct a sidewalk on only the south side of the easement because of the location of the retaining wall on the north side.

The easement is currently constructed with street light conduit, water, and sewer. For this reason staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water and sewer be denied. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk on both sides of the the shared access easement be approved with the stipulation that sidewalk be provided on one side of the street. Staff also recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional easement be approved since the street is currently constructed with a 27 foot wide paved surface, curb, gutter, street light conduit, water, sewer and sidewalk on the south side.

North-South Access Easement The applicant is proposing to dedicate an access easement for the existing driveway along the east side of the proposed Lot 2 of Best Subdivision that will serve two lots. The easement is classified as a commercial/industrial 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, street light conduit, water and sewer. The applicant is proposing the access easement be located in a 50 foot wide easement and is currently constructed with a 26 foot wide paved surface, curb, and gutter.

The applicant has submitted this Variance to the Subdivision Regulations to waive the requirement to dedicate additional easement width and to waive the requirement to install

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water, sewer, street light conduit and sidewalk. Staff recommends that Variance to the Subdivision Regulations to waive the requirements to install street light conduit, water, and sewer be approved since water and sewer can be provided to the site from Disk Drive, Haines Avenue or the access easement along the north lot line and lighting will be provided in the commercial parking lot and along Haines Avenue. Staff recommends that the Variance to the Subdivision Regulations to reduce the easement width from 59 feet to 50 feet be approved since the street is currently constructed and there are no additional utilities required in the access easement to serve the development. In addition, the access easement will provide access to only two lots and the existing roadway is currently being used as access to the existing retail development. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be approved with the stipulation that sidewalk be provided on one side of the street.

Notification Requirement: The receipts from the certified mailings have been returned.