

STAFF REPORT  
May 10, 2007

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**No. 07SV022 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and to reduce the pavement width from 26 feet to 21 feet as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 47**

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers, Inc. for Alan A. Neiger
REQUEST	<b>No. 07SV022 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and to reduce the pavement width from 26 feet to 21 feet as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 5 (less Lot H1) and the balance of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 Revised and Lot 2 of Block 5 of Highland Park Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.44
LOCATION	Southwest of the intersection of Highland Park Drive and Mount Rushmore Road
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Office Commercial District (Planned Commercial Development)
East:	General Commercial District
West:	Low Density Residential District
PUBLIC UTILITIES	Public Water and Sewer
DATE OF APPLICATION	4/13/2007
REVIEWED BY	Jonathan Smith / Emily Fisher

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along Mount Rushmore Road be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk along Mount Rushmore Road, and sewer, street light conduit, curb, gutter, sidewalk along Highland Park Drive, and to reduce the pavement width along Highland Park Drive from 26 to 21 feet 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.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulation to waive the requirement to install sewer, curb, gutter, sidewalk, street light conduit, and to reduce the pavement width from 26 feet to 21 feet. The subject property is located southwest of the intersection of Highland Park Drive and Mount Rushmore Road. The subject property is currently zoned General Commercial District. The current land use of the subject property is a motel. The applicant is proposing to relocate a common boundary between two existing lots. A Layout Plat application (#07PL059) has been filed in conjunction with this variance request. As part of the platting process the applicant is required to install curb, gutter, street light conduit, sidewalk, water, sewer, and construct the abutting streets to City standards.

STAFF REVIEW:

Staff has reviewed the applicant's Variance to the Subdivision Regulations request and noted the following considerations.

MOUNT RUSHMORE ROAD:

The subject property abuts Mount Rushmore Road on the eastern boundary. Mount Rushmore Road, a State highway, is classified as a principal arterial street, and currently meets the standards of 100 feet of right-of-way, and 12 feet of pavement width per lane. Currently street light conduit is in place where Mount Rushmore Road abuts the subject property. Sewer, curb, gutter and sidewalk currently are not in place where Mount Rushmore Road abuts the subject property.

Currently, curb, gutter and sidewalk are in place along Mount Rushmore Road from Highland Park Drive north. As Mount Rushmore Road traverses south from Highland Park Drive the character of the road changes from a business district street to a highway type street section. The subject property is located within the transition zone to where Mount Rushmore Road becomes more of a highway. The proposed subdivision of the subject property is to relocate an existing boundary and will not add any additional density to the subject property. For this reason staff supports the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk with the stipulation that the applicant sign a waiver or right to protest

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**No. 07SV022 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit in adjoining right-of-way, and to waive the requirement to extend the sewer main in Highland Drive and reduce the pavement width from 26 feet to 21 feet as per Chapter 16.16 of the Rapid City Municipal Code**

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any future assessments.

Currently, sewer exists along most of Mount Rushmore Road to the north as well. The subject property is serviced by sewer located in Highland Park Drive. As a result of the proposed subdivision there is no increase in density because the applicant is proposing to only relocate an existing lot line. An extension of sewer along Mount Rushmore Road will not be necessary to service the subject property since the subject property is currently serviced by a sewer main located along Highland Park Drive. Staff recommends that the variance waiving the requirement to extend the sewer main along Mount Rushmore Road where it abuts the subject property be approved with the stipulation that the applicant sign a waiver of right to protest any future assessments.

HIGHLAND PARK DRIVE:

The subject property abuts Highland Park Drive on the northern boundary. Highland Park Drive is classified as a commercial street, and currently does not meet the standard of 59 feet of right-of-way, and 26 feet of pavement width required for a commercial street without on-street parking. Highland Park Drive is a dead end street that currently services a motel on both the northern and southern sides of the street, as well as a restaurant on the northern side of the street, and six single family residences to the west. The Major Street Plan does not identify Highland Park Drive as a street to be extended in the future. Currently along Highland Park Drive sewer extends a distance of 475 feet. Service lines from the existing main serve the motel and the restaurant. The single family residences located on the western portion of Highland Park Drive currently have on-site septic systems in place. Staff finds that waiving the requirement to extend the service line can be supported with the stipulation that the applicant signs a waiver of right to protest future assessments. Staff finds that since Highland Park Drive is currently a dead end street the extension of sewer is not needed to serve any future developments, and that the sewer service lines adequately support the existing businesses along Highland Park Drive. Also there will be no increase in density as a result of the proposed subdivision.

Curb, gutter, street light conduit, and sidewalk are currently not located along Highland Park Drive. There is an existing motel and restaurant located along Highland Park Drive. Furthermore Highland Park Drive is a dead end street and there are no plans for extension. Staff recommends the waiving the requirement to install curb, gutter, street light conduit, and sidewalk be supported with the stipulation that the applicant sign a waiver of right to protest any future assessments.

The applicant has submitted a Variance to the Subdivision Regulation to waive the requirement for pavement width along Highland Park Drive to 21 feet from the required 26 feet. Currently Highland Park Drive consists of varying pavement widths ranging from a minimal pavement width of 21 feet, and a maximum pavement width of 35 feet. The applicant is required to construct the pavement width along Highland Park Drive to a minimum of 26 feet to be in compliance with the City requirements. The proposed subdivision will not result in any increase in density among the subject property. Staff recommends that the Variance to the Subdivision Regulation to waive the

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requirement of pavement width from 26 feet to 21 feet for a commercial street without on street parking be approved.

Legal Notification Requirement:

As of this writing, the white slips from the certified mailings and the green cards have not been returned. Staff will notify the Planning Commission at the May 10, 2007 Planning Commission meeting if this requirement has not been met.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along Mount Rushmore Road be denied without prejudice; that the Variance to the Subdivision Regulations to reduce the pavement width from 26 to 21 feet along Highland Park Drive be approved; that the Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk along Mount Rushmore Road, and sewer, street light conduit, curb, gutter, sidewalk along Highland Park Drive be approved with the stipulation that the applicant sign a waiver of right to protest any future assessments.