

STAFF REPORT
November 8, 2007

No. 07SV059 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water and sewer along East North Street and to reduce pavement width from 26 feet to 24 feet along "A/R Boulevard" and "A/R Lane" as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Action Development, Inc.
AGENT	Lawrence M. Kostaneski for Centerline, Inc.
PROPERTY OWNER	AR Group, LLC
REQUEST	No. 07SV059 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water and sewer along East North Street and to reduce pavement width from 26 feet to 24 feet along "A/R Boulevard" and "A/R Lane" as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 8 of Anamosa Crossing Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 67.37 acres
LOCATION	Northeast of the intersection of Century Road and East North Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District - General Agriculture District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District
West:	General Commercial District - Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/12/2007
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the minimum required pavement width from 26 feet to 24 feet along "A/R Boulevard" be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and sewer along East North Street be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,
2. A sidewalk shall be provided along one side of the street;

That the Variance to the Subdivision Regulations to waive the requirement to install water along E. North Street be denied without prejudice; and,

That the Variance to the Subdivision Regulations to reduce the minimum required pavement width from 26 feet to 24 feet along ""A/R Lane"" be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water and sewer along E. North Street and to reduce the pavement width from 26 feet to 24 feet along "A/R Lane" and "A/R Boulevard". In addition, the applicant has submitted a Preliminary Plat (#07PL141) to subdivide a portion of the property, creating two lots leaving an unplatted balance, and to extend two streets through the development. In particular the plat shows the extension of ""A/R Boulevard"" along proposed Lot 1 and the extension of ""A/R Lane"" along proposed Lot 8 to Anamosa Street.

On October 1, 2007, the City Council approved a Preliminary Plat (#07PL081) to create a six acre lot from a portion of the unplatted balance. To date, a Final Plat for the six acre lot has not been submitted for review and approval. Even though the six acre lot is not a part of this Preliminary Plat, the Master Plan submitted with this application shows the previously approved six acre lot in a slightly different configuration. The applicant should be aware that the Master Plan must be revised to comply with the previously approved Preliminary Plat or a revised Preliminary Plat must be submitted for review and approval for the six acre lot.

The property is located northeast of the intersection of Century Road and E. North Street. 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:

E. North Street: E. North Street is located along the east lot line of the property and is classified

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as a principal arterial street on the City's Major Street Plan requiring that it be located within a 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. E. North Street is currently located within a 290 foot wide right-of-way and constructed with an approximate 40 foot wide paved surface, curb, gutter, street light conduit and water. To date, sewer and sidewalk have not been constructed along this portion of E. North Street.

Currently, sewer has been constructed along a portion of the north lot line to serve properties north of this site. In addition, sewer exists at the intersection of Anamosa Street and E. North Street to serve this site and properties located south of this site. There is also an elevation break within E. North Street as it abuts the two proposed lots requiring that everything south of the break sewer to the south and everything north of the break sewer to the north. As such staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer be approved with the stipulation that prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

A 16 inch water main is currently located within the E. North Street right-of-way as it abuts the property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water along E. North Street be denied without prejudice.

The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along both sides of E. North Street. However, this is a commercial area and it is anticipated that as this area continues to develop with commercial use(s), additional pedestrian traffic will be generated between the use(s). In order to provide a safe place for pedestrians to walk, staff is recommending that a sidewalk be provided along one side of the street. It has also been the position of the City Council that a sidewalk be provided as a part of the development of a site to insure pedestrian safety within our community.

"A/R Lane" and "A/R Boulevard": The applicant has submitted a site plan showing "A/R Lane" and "A/R Boulevard" extending through the proposed development providing street connections from E. North Street to Anamosa Street. The applicant has indicated that the portion of "A/R Boulevard" located along the south lot line of proposed Lot 1 will be constructed as a part of this Preliminary Plat. In addition, "A/R Lane" will be constructed along the west lot line of proposed Lot 8 to Anamosa Street. The two streets are classified as commercial streets requiring that they be located within a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide right-of-way, curb, gutter, property line sidewalks, street light conduit, water and sewer. The applicant has indicated that "A/R Boulevard" will be constructed with two 12 foot wide lanes and a 10 foot wide turning lane for a total pavement width of 34 feet. In addition, "A/R Lane" will be constructed to the same standard with the exception of an approximate 320 foot section located south of proposed Lot 8, which is shown to be constructed with a 24 foot wide paved surface. The

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applicant has indicated that the streets will also be constructed with curb, gutter, curbside sidewalks, street light conduit, water and sewer.

Since the construction plans show "A/R Boulevard" constructed with a 34 foot wide paved surface, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to reduce the pavement width from 26 feet to 24 feet for "A/R Boulevard" be denied without prejudice.

The applicant has also submitted a Variance to the Subdivision Regulations to reduce the pavement width along a portion of "A/R Lane" from 26 feet to 24 feet. However, as indicated above, the street is classified as a commercial street. The 26 foot wide pavement requirement is the minimum standard required to accommodate commercial traffic, which also includes truck and/or delivery vehicle traffic to the commercial use(s). In addition, the applicant has not submitted any justification for the requested reduction in the pavement width. As such, staff is recommending that the Variance to the Subdivision Regulations to reduce the pavement width to 24 feet be denied.

Notification Requirement: The certified mailing receipts have been returned. Staff has not received any calls of inquiry regarding this proposal.