

STAFF REPORT

March 6, 2008

No. 08SV006 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Catron Boulevard, to waive the requirement to install curb, gutter, sidewalk, water and street light conduit along S.D. Highway 16 Service Road and a variance to waive the requirement to provide sewer service to the property as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Richard Huffman for TLC Investments, Inc.
AGENT	FMG, Inc.
PROPERTY OWNER	F & D Shultz Limited Partnership
REQUEST	No. 08SV006 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Catron Boulevard, to waive the requirement to install curb, gutter, sidewalk, water and street light conduit along S.D. Highway 16 Service Road and a variance to waive the requirement to provide sewer service to the property as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of Tract 1 of the SE1/4 NE1/4 of Section 27, T1N, R7E, BHM, less Connector Subdivision and less Lot H1, located in the NE1/4 Section 27, T1N, R7E, BHM,
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of TLC Subdivision and the dedicated public Right-of-way shown as Less Hollers Way all located in the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 17.81 acres
LOCATION	West of S. D. Highway 16 and south of Catron Boulevard
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	Pennington County

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East:	General Commercial District (Planned Commercial Development)
West:	Pennington County
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/31/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit along Catron Boulevard, to install curb, gutter, water and street light conduit along S.D. Highway 16 Service Road and to install sidewalk along both sides of Catron Boulevard and U.S. Highway 16 Service Road be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;
2. A sidewalk shall be provided along the west side of U.S. Highway 16 Service Road and the south side of Catron Boulevard; and,

If the Planning Commission finds it is appropriate to delay the submission of sanitary sewer plans until submission of the Final Commercial Development Plan, then the Variance to the Subdivision Regulations to waive the requirement to provide sewer service to the property as per Chapter 16.16 of the Rapid City Municipal Code may be approved with the following stipulations:

1. Prior to City Council approval, an agreement shall be recorded at the Register of Deed's Office stating that no building permits shall be issued for the property until adequate sewer capacity is demonstrated to serve the property; and,
2. Prior to approval of a Final Commercial Development Plan, a sanitary sewer study and sanitary sewer construction plans shall be submitted for review and approval.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Catron Boulevard, to waive the requirement to install curb, gutter, sidewalk, water and street light conduit along S.D. Highway 16 Service Road and to waive the requirement to provide sewer service to the property. In addition, the applicant has submitted a Preliminary Plat (File #08PL011) to subdivide a previously platted parcel into two lots located south of Catron Boulevard, leaving a non-transferable balance located north of Catron Boulevard. In addition, the Preliminary Plat shows the dedication of right-of-way for Les Hollers Way, an arterial street, extending through the property as per the Major Street Plan.

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On December 18, 2007 the City Council approved a Layout Plat (File #07PL150) to subdivide four properties into two lots, which included this property.

The property is located in the southwest corner of the intersection of Catron Boulevard and U.S. Highway 16. The property is currently void of any structural development.

STAFF REVIEW:

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

Zoning: The proposed Preliminary Plat creates two lots sized 5.206 acres and 10.979 acres, respectively. The property is currently zoned General Commercial District with a Planned Development Designation. The applicant should be aware that prior to issuance of a building permit an Initial and Final Commercial Development Plan must be submitted for review and approval.

U.S. Highway 16 Service Road: The U.S. Highway 16 Service Road is located along the east lot line of the property and 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 and sewer. Currently, the U.S. Highway 16 Service Road is located within a 60 foot wide right-of-way and constructed with a 26 foot wide paved surface and sewer and barrow ditches to accommodate storm drainage. Due to the size of the proposed lots, 5.206 acres and 10.979 acres, the existing drainage system is adequate. Any future development of the property resulting in additional storm drainage will be addressed through the Planned Development process when density increases. Lighting currently exists at the intersection of Catron Boulevard and U.S. Highway 16, providing lighting along the service road. As such, staff is recommending that the Variance to the Subdivisions Regulations to waive the requirement to install curb, gutter and street light conduit be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Currently, a water main exists in Catron Boulevard right-of-way and U.S. Highway 16 right-of-way. In addition, a water main is proposed to be extended along Les Hollers Way. The existing and proposed water mains will serve the property as well as the adjacent properties. Because of the location of water mains in the parallel rights-of-way it is not necessary to extend water mains in this frontage road. As such, staff is recommending that the Variance to the Subdivisions Regulations to waive the requirement to install water along the U.S. Highway Service Road be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

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Catron Boulevard: Catron Boulevard is located along the north lot line of the property and is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located in a minimum 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. Currently, Catron Boulevard is located within a varying right-of-way width from 150 feet to 200 feet and constructed with an approximate 36 foot wide paved surface, water and sewer and barrow ditches to accommodate storm drainage. Due to the size of the proposed lots, 5.206 acres and 10.979 acres, the existing drainage system is adequate. Any future development of the property resulting in additional storm drainage will be addressed through the Planned Development process when density increases. Lighting currently exists at the intersection of Catron Boulevard and U.S. Highway 16, providing lighting along this portion of Catron Boulevard. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Sidewalk: Currently, sidewalk does not exist along this portion of U.S. Highway 16 Service Road or Catron Boulevard. 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). 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. In order to provide a safe place for pedestrians to walk, staff is recommending that a sidewalk be provided along the west side of U.S. Highway 16 Service Road and the south side of Catron Boulevard.

Sewer: A 10 inch sanitary sewer line is currently located in the Catron Boulevard right-of-way and an eight inch sanitary sewer line is located in the U.S. Highway 16 right-of-way. Both sewer mains flow to an existing lift station located near the intersection of Catron Boulevard and U.S. Highway 16. Due to capacity concerns with the lift station and the receiving sewer mains downstream, the applicant must demonstrate that adequate downstream capacity exists to serve the property if the sewer discharge is to the existing lift station or connect to an alternative sewer line.

Sewer also exists further west along Catron Boulevard ending near the intersection of Golden Eagle Drive and Catron Boulevard, or approximately 1,800 feet west of this property. This sewer gravity flows to a 15 inch interceptor sewer main located in the Sheridan Lake Road area. Previous analysis for other projects has shown the need for increased capacity of the interceptor sewer main. In addition, the eight inch sewer main located between the interceptor main and the potential connection location near Golden Eagle Drive was not sized to accommodate flows from this area. Due to capacity issues with the interceptor main and the sewer connection main, the applicant must provide a capacity analysis of the

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downstream eight inch collector main and the 15 inch interceptor sewer main if the sewer discharge is to the west along Catron Boulevard.

The applicant also has the option of submitting a sewer plan for review and approval showing the extension of a gravity sewer main east from the property within the Catron Boulevard area to the existing gravity sewer manhole located at the intersection of 5th Street and Catron Boulevard.

Chapter 16.16 of the Rapid City Municipal Code requires that sanitary sewer plans be submitted for review and approval as a part of a Preliminary Plat application. However, as noted above, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide sewer service to the property. The applicant has also noted that at the time the right-of-way for Catron Boulevard was given to the City of Rapid City, Public Works staff members promised him that he would be given sewer service to the property. However, due to development in the area since 2000, it does not appear that down stream capacity exists to serve the development without improvements to the existing sewer facilities or extension of facilities east on Catron Boulevard to 5th Street. The applicant's representatives have requested that the plat be allowed to proceed with a recorded agreement that no building permits will be issued for the property until adequate sewer capacity is demonstrated to serve the property. Further they have agreed that the required sewer study and sewer construction plans be required prior to approval of the Final Commercial Development Plan. This will allow the applicant additional time to work with the City and adjacent property owners to resolve the sewer service issue.

If the Planning Commission finds it is appropriate to allow the plat to be approved prior to submission of complete sewer studies and plans demonstrating adequate sewer capacity, then the Variance to the Subdivision Regulations to waive the requirement to provide sewer service to the property as per Chapter 16.16 of the Rapid City Municipal Code may be approved with the following stipulations:

1. Prior to City Council approval, an agreement shall be recorded at the Register of Deed's Office stating that no building permits shall be issued for the property until adequate sewer capacity is demonstrated to serve the property; and,
2. Prior to approval of a Final Commercial Development Plan, a sanitary sewer study and sanitary sewer construction plans shall be submitted for review and approval.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 6, 2008 Planning Commission meeting if this requirement is not met. Staff has received two calls of inquiry regarding this proposal.