

STAFF REPORT

May 8, 2008

No. 08SV023 - Variance to the Subdivision Regulations to waive the ITEM 45 requirement to install sidewalk and sewer along East North Street and to install sewer along portions of Century Road as per Chapter 16.16 of the Rapid City Municipal Code

GENERAL INFORMATION:

APPLICANT	Action Development, Inc.
AGENT	Lawrence M. Kostaneski for Centerline, Inc.
PROPERTY OWNER	Charles L. Barker, AR Group LLC
REQUEST	No. 08SV023 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk and sewer along East North Street and to install sewer along portions of Century Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of 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, formerly a portion of Tract 1 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 34.0 acres
LOCATION	Northwest of the intersection of East North Street and the future East Anamosa 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
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/11/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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RECOMMENDATION:

Staff recommends 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 sewer along portions of Century Road be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk and sewer along East North Street and to install sewer along portions of Century Road as they abut the property. In addition, the applicant has submitted a Preliminary Plat (File #08PL050) to create two lots, leaving an unplatted balance, and to extend two streets through the property.

On October 1, 2007, the City Council approved a Preliminary Plat (#07PL081) for the property to create a six acre lot, leaving an unplatted balance. To date, a Final Plat for the six acre lot has not been submitted for review and approval. On April 21, 2008, the City Council denied without prejudice at the applicant's request a Preliminary Plat to subdivide the property into two lots leaving an unplatted balance.

The property is located northwest of the intersection of East North Street and East Anamosa 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 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

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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.

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.

Century Road: The Preliminary Plat identifies Century Road extending from E. North Street to E. Anamosa Street. Century Road is classified as a commercial street requiring that it 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 construction plans show Century Road located within a 59 foot wide right-of-way and constructed with a 34 foot wide paved surface, curb, gutter, property line sidewalks, street light conduit and water. In addition, a sewer main is shown along the street, with the exception of an approximate 400 foot long span located along the western portion of proposed Lot 1. Requiring the extension of a sewer main along this portion of Century Road will not result in sewer service to any of the adjacent lots due to the elevation along this section of the street. In addition, the construction plans show that sewer service will be provided to all of the lots. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along this portion of Century Road be approved.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 8, 2008 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.