

STAFF REPORT
April 23, 2009

No. 09SV011 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water, sewer along East North Street and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Century Road 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	Action Development, Inc.
REQUEST	No. 09SV011 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water, sewer along East North Street and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Century Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Tract 1 of Century 21 Subdivision, located in the NW1/4, Section 32, T2N R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2 thru 7, 9, and 10 of Anamosa Crossing Subdivision, located in the NW1/4, Section 32, T2N R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 67.0 acres
LOCATION	Northwest of the intersection of East North Street and 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	3/26/2009

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REVIEWED BY

Vicki L. Fisher / Ted Johnson

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 the west side of the street;

That the Variance to the Subdivision Regulations to waive the requirement to install water along East North Street be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along Century Road 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; and,
2. The Century Road connection between E. North Street and the section line highway located along the north lot line of the property shall be maintained until Century Road is reconstructed as shown on the applicant's Master Plan.

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 install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the existing Century Road right-of-way located along the east lot line of the property. In addition, the applicant has submitted a Preliminary Plat (File #09PL017) to subdivide the property into eight lots leaving two non-transferable balances.

On June 2, 2008, the City Council approved a Preliminary Plat (File #08PL050) for Phase One of Anamosa Crossing creating two lots and dedicating the right-of-way for two streets extending through the development. To date, a Final Plat for Phase One has not been submitted for review and approval. This Preliminary Plat application is for Phase Two of Anamosa Crossing and consists of eight lots located along the proposed internal streets extending through the development.

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:

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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 property 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.

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 the west 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.

The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to install water along E. North Street. However, water currently exists along the east side of the street. In addition, a water main has been extended across E. North Street to serve this development. As such, no additional water mains are required within the E. North Street right-of-way. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water along E. North Street be denied without prejudice.

Century Road: Century Road is located along the east lot line of the property and 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, sidewalk, street light conduit, water and sewer. Currently, Century Road is located within a 60 foot wide right-of-way and is constructed with an approximate 20 foot wide graveled surface.

In the past, staff has met with representatives from two of the adjacent properties to discuss

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the future reconfiguration of Century Road within this area in order to improve access to the adjacent properties. In particular, it was concurred upon that eventually Century Road will be reconfigured to create two separated street sections intersecting with E. Anamosa Street in two separate locations. As a part of this application, the applicant has submitted a Master Plan demonstrating the two discontinuous street sections as previously discussed. The applicant is proposing to construct the southern portion of Century Road in phases as the adjacent property is platted. However, the applicant does not own the property located west of Century Road at the northern intersection and, subsequently, can not determine the exact location of the future intersection. The adjacent property owner, Northwestern Engineering Company, will determine the specific location of the intersection upon the future development of the adjacent property. In addition, a portion of the right-of-way for the northern intersection will be located on the Northwestern Engineering Company property, which to date has not been dedicated. Without constructing this portion of the intersection, a discontinuous street section would be created. In the past the Planning Commission and the City Council have granted similar Variance requests when a discontinuous street section would be created.

Until the specific location of the northern intersection is determined, it is unclear what improvements are needed along this portion of Century Road as it abuts the property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water 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. In order to insure access to the neighboring properties until Century Road is reconstructed as identified, the existing Century Road connection between E. North Street and the section line highway located along the north lot line of the property must be maintained as shown on the applicant's Master Plan.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 23, 2009 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.