

STAFF REPORT
August 27, 2009

No. 09SV017 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 34

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Doyle Estes
REQUEST	No. 09SV017 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The unplatted balance of the NW1/4 of the NW1/4, less the east 200 feet lying south of Cheyenne Boulevard right-of-way of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract A of Block 2 of Heartland Retail Center, located in the NW1/4 of the NW1/4, Section 34, T2N, R8E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 23.54 acres
LOCATION	Southeast of the intersection of Cheyenne Boulevard and North Elk Vale Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District - General Commercial District (Planned Commercial Development)
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/31/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City

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ITEM 34

Municipal Code be continued to the September 10, 2009 Planning Commission meeting to allow the applicant to submit additional information.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as it abuts the property.

On August 6, 2009, the Planning Commission approved a Preliminary Plat (File #09PL041) to plat the property into a 23.54 acre lot. The City Council will consider the Preliminary Plat at their September 8, 2009 City Council meeting.

The property is located east of Elk Vale Road and south of Cheyenne Boulevard. 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:

Elk Vale Road: Elk Vale Road is located along the west lot line of the property and is classified as a principal arterial street requiring that it 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, Elk Vale Road is located in a 250 foot wide right-of-way and constructed with two north bound 12 foot wide paved lanes and two south bound 12 foot wide paved lanes separated by a median. In addition, a sanitary sewer force main and a water transmission main are located along the west side of Elk Vale Road. However, a sanitary sewer force main cannot be used to provide gravity sewer service. As such, a gravity sewer main must be provided along Elk Vale Road or a Variance to the Subdivision Regulations must be obtained to waive the requirement. Similarly, a distribution line must be extended under Elk Vale Road from the water transmission line in order to provide water service to the property from Elk Vale Road or a Variance to the Subdivision Regulations must be obtained to waive the requirement.

Staff met with the applicant on August 11, 2009 to discuss the requirement to install additional water and sewer along Elk Vale Road. The applicant indicated that a Master Utility Plan would be submitted for review and approval to show that the property as well as the adjacent properties can be served from water and sewer mains extending south from Cheyenne Boulevard precluding the need to provide sewer and water distribution lines along Elk Vale Road. On August 18, 2009, the applicant submitted a Master Utility Plan but the plan does not show water and sewer distribution lines to the adjacent properties located south of this site, directly east of Elk Vale Road. Until a revised Master Utility Plan is submitted demonstrating that water and sewer distribution mains are not needed along Elk Vale Road, staff cannot support the request. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road be continued to the September 10, 2009 Planning Commission meeting to allow the applicant to submit a revised Utility Master Plan as identified.

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ITEM 34

Legal Notification Requirement: The white slips from the certified mailings have been returned. To date, the green cards have not been returned. Staff will notify the Planning Commission at the August 27, 2009 Planning Commission meeting if this requirement is not met.