

STAFF REPORT  
January 7, 2010

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**No. 09SV027 - Variance to the Subdivision Regulations to waive the requirement to install sewer and sidewalk along East North Street, sewer along Century Road and sidewalk along a portion of Century Road as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 42**

GENERAL INFORMATION:

APPLICANT/AGENT	Bob Brandt
PROPERTY OWNER	Vantage Properties
REQUEST	<b>No. 09SV027 - Variance to the Subdivision Regulations to waive the requirement to install sewer and sidewalk along East North Street, sewer along Century Road and sidewalk along a portion of Century Road as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 4, a portion of Lot 3 and a portion of the unplatted portion of the NW1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Vista Ridge Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.687 acres
LOCATION	South of East North Street between Cambell Street and Anamosa Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/11/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

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**ITEM 42**

install sewer along Century Road and along a portion of East North Street 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 improvement;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of 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 improvement;
2. A sidewalk shall be provided along the south side of the street; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along a portion of Century Road be denied.

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of East North Street, sidewalk along both sides of East North Street, sewer along Century Road and sidewalk along a portion of Century Road. The applicant has also submitted a Preliminary Plat (File #09PD076) to subdivide the property creating a 1.687 acres commercial lot and leaving two non-transferable balances. The lot is to be known as Lot 1 of Vista Ridge Subdivision.

The property is located southeast of the intersection of Century Road and East North Street. Currently, the proposed lot is void of any structural development. The Horseshoe Bar and a sign are located on the non-transferable balance.

**STAFF REVIEW:**

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

**Sewer:** Sewer is currently constructed from the intersection of East North Street and Century Road, south along East North Street. In addition, a sewer main is located along East Anamosa Street and Creek Drive located north of this property. The applicant is proposing to extend a sewer main from the intersection of Century Road along a portion of East North Street to serve the proposed lot. A private sewer main was previously extended from East North Street east to serve the adjacent development known as "Huffman Subdivision" which is the location of "On the Border", a Mexican food restaurant.

An elevation break exists along East North Street precluding the sewer main from servicing the adjacent property. In particular, the adjacent properties will be served from the sewer main located along Creek Drive and East Anamosa Street. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer along the balance of East North Street and along Century Road as they abut the property be approved with the stipulation that prior to City Council approval, the applicant sign a waiver

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**ITEM 42**

of right to protest any future assessment for the improvement.

Sidewalk: The applicant has submitted construction plans showing the installation of a sidewalk along both sides of Century Road with the exception of the northern 100 feet located between the service road and East North Street. In addition, the applicant has submitted a Variance to the Subdivision Regulations requesting to waive the requirement to provide a sidewalk along East 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 addition, it has 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 and to secure pedestrian access between existing and proposed commercial use(s) within the area, staff recommends that a sidewalk be provided along both sides of Century Road all the way to East North Street and along the south side of East North Street. In addition, prior to City Council approval, the applicant must sign a waiver of right to protest any future assessment for the sidewalk along the north side of East North Street.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 7, 2010 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.