

STAFF REPORT  
January 7, 2010

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**No. 09SV029 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cambell Street and the 30 foot access easement, to reduce the width of the access easement from 59 feet to 30 feet, and to reduce the pavement width from 26 feet to 20 feet as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 27**

GENERAL INFORMATION:

APPLICANT	Jim Mirehouse
AGENT	Jenifer Sorensen for FourFront Design, Inc.
PROPERTY OWNER	Rapid City Economic Development Foundation
REQUEST	<b>No. 09SV029 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cambell Street and the 30 foot access easement, to reduce the width of the access easement from 59 feet to 30 feet, and to reduce the pavement width from 26 feet to 20 feet as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Block 1 less Lots 1 thru 8 of South Creek Industrial Park, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot D of Block 1 of South Creek Industrial Park, located in the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 31.68 acres
LOCATION	2230 Cambell Street
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	Medium Density Residential District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water

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**ITEM 27**

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 install curb, gutter, street light conduit, water and sewer along Cambell Street be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Cambell 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 reduce the pavement width from 26 feet to 20 feet and to install curb, gutter, sidewalk, street light conduit, water and sewer along the existing 30 foot access easement and to reduce the width of the access easement from 59 feet to 30 feet be approved with the following stipulations:

1. That the plat document be revised to show the existing street located on the property within a 59 foot wide access easement; and
2. That the 59 foot wide access easement be constructed with a minimum 20 foot wide paved surface.

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cambell Street and the 30 foot access easement, to reduce the width of the access easement from 59 feet to 30 feet, and to reduce the pavement width from 26 feet to 20 feet. In addition, the applicant has submitted a Layout Plat (File #09PI987) to create a 5.61 acre lot, leaving two non-transferable balances.

The property is located at the southern terminus of Sioux Avenue, east of Cambell 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:

**Cambell Street:** Cambell Street is located along a portion of the east lot line and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located within 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, Cambell

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Street is located in a 100 foot wide right-of-way and constructed with a 54 foot wide paved surface, curb, gutter, street light conduit, sewer and water. Since curb, gutter, street light conduit, sewer and water currently exist along the street, staff recommends that the Variance to the Subdivision Regulations request to waive the requirement to install these improvements be denied without prejudice. As such, upon submittal of a Preliminary Plat application, construction plans for Cambell Street showing a sidewalk along both sides of the street must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

To date, sidewalk has not been constructed along this portion of Cambell Street due to the bridge that extends along this section of the street. Since the existing design of the bridge does not allow for the construction of sidewalks, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to construct a sidewalk along Cambell Street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

30 foot wide Access and Utility Easement: A 30 foot wide access and utility easement is located on the adjacent property abutting the west lot line of this property. However, the street has been constructed along the western portion of this property, outside of the existing easement. The 30 foot wide access and utility easement is classified as an industrial street requiring that it be located within a minimum 59 foot wide access easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In lieu of constructing the existing 30 foot wide access and utility easement, the applicant has agreed to secure the existing street within a 59 foot wide access easement. The existing street is constructed with an approximate 20 foot wide paved surface and functions as a service road to this property and to the adjacent railroad property. Platting the property as proposed does not increase the number of lots currently being served by the street. In the past, the Planning Commission and the City Council have supported similar Variance requests when there was no increase in density as a result of the plat. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to improve the 30 foot wide access and utility easement and to dedicate additional right-of-way for the easement be approved contingent upon the plat document being revised to show the existing street located on the property within a 59 foot wide access easement and that the existing street be constructed with a minimum 20 foot wide paved surface.

Typically, a sidewalk is required along all streets as a condition of platting the property. However, as noted above this street functions as a service road to an industrial area with truck and large equipment traffic. In addition, railroad tracks exist within close proximity to the street. It does not appear that a sidewalk could be provided along the street to physically provide a safe separation between the vehicular traffic and the pedestrian traffic. In addition, pedestrian traffic in close proximity to railroad tracks and a railroad loading and

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unloading area is discouraged. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along the street be approved.

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.