

STAFF REPORT
March 4, 2010

No. 10SV004 - Variance to the Subdivision Regulations to waive the requirement to install water, sewer, sidewalk and street light conduit along the common access easement and to reduce the width of the common access easement from 59 feet to 35 feet as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Robert Akers
AGENT	Renner & Associates, LLC
PROPERTY OWNER	Robert W. Akers
REQUEST	No. 10SV004 - Variance to the Subdivision Regulations to waive the requirement to install water, sewer, sidewalk and street light conduit along the access easements, to reduce the width of the access easements from 59 feet to 35 feet and to waive the requirement to install sewer along a portion of Disk Drive as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Block 1 of East Mall Business Center Subdivision, located in the W1/2 of the NE1/4 and the E1/2 of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1R and 2R of Block 1 of East Mall Business Center Subdivision, located in the W1/2 of the NE1/4 and the E1/2 of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.866 acres
LOCATION	East of North LaCrosse Street between East Mall Drive and East Disk Drive
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION 2/5/2010

REVIEWED BY Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water, sewer, sidewalk and street light conduit along the access easements and to reduce the width of the access easements from 59 feet to 35 feet be approved with the following stipulation:

1. That a sidewalk be provided along one side of the access easement(s); and,

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along the eastern portion of Disk Drive 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.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install water, sewer, sidewalk and street light conduit along the access easements, to reduce the width of the access easements from 59 feet to 35 feet and to waive the requirement to install sewer along a portion of Disk Drive as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #10PL006) to replat the two lots creating Lots 1R and 2R of Block 1 of East Mall Business Center Subdivision.

On December 18, 2006, the City Council approved a Preliminary Plat (File #09PL054) to create Lots 1 and 2 of Block 1 of East Mall Business Center Subdivision. In addition, the City Council approved a Variance to the Subdivision Regulations (File #06SV073) to reduce the width of the access easement from 59 feet to 35 feet and to waive the requirement to install water, sewer, street light conduit and a sidewalk along both sides of the access easement with the stipulation that a sidewalk be provided along one side of the access easement.

On August 21, 2009, the City approved a Final Plat for Lots 1 and 2 of Block 1 of East Mall Business Center Subdivision. The applicant has submitted the associated Preliminary Plat application to reconfigure the two lots in order to create Lot 2R as a flagpole lot securing the driveway extending from Disk Drive on Lot 2R.

STAFF REVIEW:

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

Access Easement: The Preliminary Plat identifies an existing common access easement

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located along a portion of the common lot line between proposed Lot 1R and an adjacent property known as Lot 1 of Tract G. The easement currently serves as a second access point to the Denny's Restaurant located on Lot 1 of Tract G. In addition, the Preliminary Plat identifies an existing common access easement located in the southwest corner of proposed Lot 2R which serves as access to Boston's Restaurant and Sports Bar located on an adjacent property known as Tract H. The two common access easements are classified as commercial streets requiring that they be located in a minimum 59 foot wide access easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, the access easements are approximately 35 feet in width and have been constructed with a 26 foot wide paved surface, curb and gutter.

In 2006, the City Council approved a Variance to the Subdivision Regulations to reduce the width of the access easement(s) from 59 feet to 35 feet noting that the easements function as a shared driving aisle located between the properties. Based on the previous action of the City Council and since the proposed replat of the two lots does not increase the density, staff recommends that the Variance to the Subdivision Regulations request to reduce the width of the access easement from 59 feet to 26 feet be approved.

Currently, City water and sewer mains exist in the LaCrosse Street right-of-way and within a portion of the Disk Drive right-of-way. The applicant has submitted a utility plan identifying that the existing mains will serve the proposed lot(s). As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along the access easement(s) be approved.

Street lights currently exist along LaCrosse Street and Disk Drive. In addition, lights have been constructed in the Denny's Restaurant and in the Boston Restaurant and Sports Bar parking lots. Lights must also be provided on these two proposed lots when future development occurs which requires a commercial parking lot. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along the common access easements be approved.

As noted above, the property is zoned General Commercial District and is located within an area of existing commercial use(s). As such, staff recommends that a sidewalk be provided along one side of the common access easement to provide a pedestrian walkway between properties. In particular, staff recommends that the Variance to the Subdivision Regulations to provide a sidewalk along both sides of the common access easement(s) be approved with the stipulation that a sidewalk be provided along one side of the easement(s). Please note that in 2006, when the property was platted to create Lots 1 and 2 of Block 1 the City Council approved a similar Variance request with the stipulation that a sidewalk be provided along one side of the easement(s). To date, the sidewalk(s) have not been constructed.

Disk Drive: Disk Drive is located along the south lot line of proposed Lot 2R and is classified as

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a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Disk Drive has been constructed to commercial street standards with the exception of sewer along the eastern 200 foot of the street and a sidewalk along the north side of the street. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install sewer along the balance of Disk Drive.

A sewer main has recently been constructed along the east lot line of the property. In addition, a gravity sewer main has been constructed along the west lot line of the property. The existing sewer system within the area will serve all of the neighboring properties. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install a sewer main along a portion of Disk Drive be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: The receipts from the certified mailings have been returned. As of this writing, staff has not received any calls or inquires regarding this proposal.