

STAFF REPORT  
August 26, 2010

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**No. 10SV016 – Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along the north side of Jackson Boulevard, to waive the requirement to install water along a portion of Jackson Boulevard, to waive the requirement to install sewer and to dedicate additional right-of-way along Jackson Boulevard, to reduce the width of the access easements from 59 feet to 24 feet and 25 feet respectively, to waive the requirement to construct a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along the 24 foot wide access easement, to reduce the pavement width of the 25 foot wide access easement from 26 feet to 25 feet and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water and sewer along the 25 foot wide access easement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 23**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	South Dakota Game Fish and Parks
REQUEST	<b>No. 10SV016 – Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along the north side of Jackson Boulevard, to waive the requirement to install water along a portion of Jackson Boulevard, to waive the requirement to install sewer and to dedicate additional right-of-way along Jackson Boulevard, to reduce the width of the access easements from 59 feet to 24 feet and 25 feet respectively, to waive the requirement to construct a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along the 24 foot wide access easement, to reduce the pavement width of the 25 foot wide access easement from 26 feet to 25 feet and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water and sewer along the 25 foot wide access easement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot F-2 and Lot R revised of Fish Hatchery Subdivision, located in the S1/2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1, 2 and 3 of Fish Hatchery Subdivision formerly portions of Lot F-2 and Lot R Revised of Fish Hatchery

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**ITEM 23**

	Subdivision, located in the S1/2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 15.76 acres
LOCATION	Cleghorn Springs State Fish Hatchery southwest of the intersection of Jackson Boulevard and Chapel Lane
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/30/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

**RECOMMENDATION:**

If the Planning Commission determines appropriate, then the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Jackson Boulevard be approved;

That the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along the north side of Jackson Boulevard be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along a portion of Jackson Boulevard be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall submit written verification from Rapid

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**ITEM 23**

Canyon Sanitary Sewer District that no additional sewer improvements are needed along Jackson Boulevard to meet their service needs;

That the Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 25 feet, to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the easement from 59 feet to 25 feet for the 25 foot wide access easement be approved; and,

That the Variance to the Subdivision Regulations to waive the requirement to install a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the easement from 59 feet to 24 feet for the 24 foot wide access easement be approved with the following stipulation:

1. The easement shall be constructed with a minimum 24 foot wide paved surface.

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations (File #10SV016) to waive the requirement to provide a sidewalk along the north side of Jackson Boulevard, to waive the requirement to install water along a portion of Jackson Boulevard, to waive the requirement to install sewer and to dedicate additional right-of-way along Jackson Boulevard, to reduce the width of the access easements from 59 feet to 24 feet and 25 feet respectively, to waive the requirement to construct a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along the 24 foot wide access easement, to reduce the pavement width of the 25 foot wide access easement from 26 feet to 25 feet and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water and sewer along the 25 foot wide access easement. In addition, the applicant has submitted a Preliminary Plat (File #10PL055) to replat two lots into three lots.

On September 9, 2004, the Planning Commission approved a SDCL 11-6-19 Review (File #04SR046) to allow for the expansion of the Cleghorn Canyon Fish Hatchery located on proposed Lot 2. On November 19, 2009, the Planning Commission approved a SDCL 11-6-19 Review (File #09SR091) to construct two parallel water transmission mains along a portion of Jackson Boulevard as it abuts the property to serve the future Jackson Springs water treatment facility to be constructed as a separate project in the Cleghorn Canyon Subdivision.

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**ITEM 23**

The property is located south of Jackson Boulevard and west of Chapel Lane. Currently, the Cleghorn Canyon Fish Hatchery is located on proposed Lot 2 with a portion of the parking for the Fish Hatchery located on proposed Lot 1.

STAFF REVIEW:

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

Jackson Boulevard: Jackson Boulevard is located along the north lot line of the property and is classified as a principal arterial street 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, Jackson Boulevard is located within a varying right-of-way width from 131.5 feet to 75 feet and has been constructed with a 48 foot wide paved surface, curb, gutter, sidewalk along the south side of the street, street light conduit and water and sewer along a portion of the street. As previously indicated, that the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide additional right-of-way, to install water and sewer along the balance of the street as it abuts the property and to install a sidewalk along the north side of the street.

Since Jackson Boulevard is a State Highway, an Exception must be obtained to waive the requirement to install a sidewalk in lieu of a Variance to the Subdivision Regulations. As such, staff recommends that the Variance request to waive the sidewalk along the north side of Jackson Boulevard be denied. The Exception request will be reviewed by the Growth Management Director and, if denied, may be appealed to the City Council.

The area is currently served by an existing 24 inch water main located in public right-of-way adjacent to the south lot line of proposed Lots 1 and 2. As previously indicated, the City is constructing two parallel water transmission mains along a portion of Jackson Boulevard as it abuts the property which will serve the existing development on the property and any potential new development. The area is currently served by the Canyon Lake Sanitary Sewer District. A portion of the existing and proposed sanitary sewer improvements are to

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be transferred to the City of Rapid City in conjunction with the construction of the new Jackson Springs Water Treatment Plant and related improvements. Since additional water and/or sewer mains are not needed along the balance of Jackson Boulevard to serve the area, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide water and sewer mains along the balance of the street be approved contingent upon the applicant submitting written verification that Canyon Lake Sanitary Sewer District has reviewed and approved the proposed sewer improvements. Typically, the City has required that the applicant sign a waiver of right to protest any future assessment for the improvement; however, the City cannot assess the State of South Dakota. For that reason, staff is not recommending that the applicant not be required to sign a waiver of right to protest any future assessment for the improvement.

In order to provide half of the right-of-way needed to obtain a minimum 100 foot wide right-of-way width along Jackson Boulevard, the plat document must be revised to dedicate 12.25 feet of additional right-of-way along a portion of Lot 2 and a portion of Lot 1 and to dedicate an additional 6 feet right-of-way along the balance of Lot 1. Cleghorn Canyon Fish Hatchery is currently located on the property and is owned by the South Dakota Game Fish and Parks Department. As previously noted, the Game Fish and Parks Department has submitted a Variance to the Subdivision Regulations request to waive the requirement to dedicate the additional right-of-way. Typically, the City would require that the right-of-way be dedicated in consideration of platting the property. However, the applicant has submitted a statement from the South Dakota Department of Transportation noting that no additional right-of-way along Jackson Boulevard is needed from Lots 1, 2 and 3 of Fish Hatchery Subdivision. The two State departments can work with each other in the future if additional right-of-way is needed. It is important to note that the City is working with the State Game Fish and Parks Department to plat the property in order to purchase Lot 1 from the State and construct a Raw Water Pump Station on the property. The Raw Water Pump Station is a critical facility for the City. Based on these reasons, if the Planning Commission determines it is appropriate to waive the requirement, than the Variance to the Subdivision Regulations to waive the requirement to dedicate the additional right-of-way along Jackson Boulevard should be approved.

25 foot wide Access Easement: The Preliminary Plat identifies a 25 foot wide access easement extending from Jackson Boulevard along the common lot line between proposed Lots 1 and

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Lot 2 providing access to an existing parking lot located on proposed Lot 2. The access easement is classified as a commercial street requiring that it be located within a minimum 59 foot wide access easement and constructed with a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. As previously indicated, the applicant has submitted a Variance request to waive the requirement to reduce the pavement width from 26 feet to 25 feet, to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the easement from 59 feet to 25 feet.

The 25 foot wide easement has been constructed with a 25 foot wide paved surface that currently serves as access to the parking lot for the Cleghorn Canyon Fish Hatchery. The Fire Department has indicated that the existing paved surface provides adequate access to the facility. In addition, the existing water and sewer mains within the area provide service to the property and to the area. The driveway has been designed to accommodate drainage. In addition, a sidewalk currently exists along the north lot line of the property and a bike path is located along the southern portion of the property to provide pedestrian access through the site. As such, staff recommends that the Variance request to waive the requirement to reduce the pavement width from 26 feet to 25 feet, to install curb, gutter, sidewalk, street light conduit, water and sewer be approved. Since the access easement is not identified on the City's Major Street Plan and functions as a driveway to a parking lot, staff also recommends that the Variance to the Subdivision Regulations to reduce the width of the easement from 59 feet to 25 feet be approved.

24 foot wide Access Easement: A 24 foot wide access easement is being extended from Jackson Boulevard to the south lot line of Lot 1 to serve as access to the City's future Raw Water Pump Station to be located on proposed Lot 1. The access easement is classified as a commercial street requiring that it be located within a minimum 59 foot wide access easement and constructed with a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. As previously indicated, the applicant has submitted a Variance request to waive the requirement to install a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the easement from 59 feet to 24 feet.

The applicant has indicated that the easement will be constructed with a 24 foot wide paved surface. The 24 foot wide easement will serve as access to the parking lot for the Raw

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Water Pump Station and to the adjacent properties located south of the property. The Fire Department has indicated that the proposed paved surface provides adequate access to the facility. In addition, the existing water and sewer mains within the area provide service to the property and to the area. The driveway has been designed to accommodate drainage. In addition, a sidewalk currently exists along the north lot line of the property and a bike path is located along the southern portion of the property to provide pedestrian access. As such, staff recommends that the Variance request to waive the requirement to install a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulation that a minimum 24 foot wide paved surface be provided. Since the access easement is not identified on the City's Major Street Plan and functions as a driveway, staff also recommends that the Variance to the Subdivision Regulations to reduce the width of the easement from 59 feet to 24 feet be approved.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the August 26, 2010 Planning Commission meeting if this requirement is not met. Staff has received one call regarding this proposal which voiced concern with waiving the requirement to provide a sidewalk along the north side of Jackson Boulevard.