

STAFF REPORT
October 21, 2010

No. 10SV017 - Variance to the Subdivision Regulations to waive the Requirement to install sewer and sidewalk along East North Street, to provide 20 additional feet of right-of-way and install sewer along North Creek Drive, and to provide sidewalk along the west side of North Creek Drive and provide sewer along Century Road as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Century Development Co., Inc.
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Michael Wieseler
REQUEST	No. 10SV017 - Variance to the Subdivision Regulations to waive the requirement to install sewer and sidewalk along East North Street, to provide 20 additional feet of right-of-way and install sewer along North Creek Drive, and to provide sidewalk along the west side of North Creek Drive and provide sewer along Century Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of Lot 3 and the adjacent alley of the NW1/4 of the SW1/4, less Lot H1, of Section 32, T2N, R8E, BHM, a portion of the NW1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, and a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, all located in the N1/2 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2 thru 5 and Lots 7 thru 9 of Vista Ridge Subdivision and Lots 5, 8, 9 of Block 1 of Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40.33 acres
LOCATION	Southwest of the intersection of East Anamosa Street and East North Street
EXISTING ZONING	General Agriculture District - General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Heavy Industrial District

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East:	General Agriculture District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/5/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer and sidewalk along East North Street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to provide 20 additional feet of right-of-way along North Creek Drive and to waive the requirement to provide a sidewalk along the west side of North Creek Drive be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along East North Street and along Century Road be approved with the following stipulation:

- 1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessment for the improvement.**

GENERAL COMMENTS:

(Update: October 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the October 7, 2010 Planning Commission meeting to allow the applicant to submit additional information. The applicant has, subsequently, submitted a revised Master Plan, a drainage plan, geotechnical information, a water system and water usage analysis, a sanitary sewer analysis and a stormwater management plan.

(Update: September 24, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 23, 2010 Planning Commission meeting to allow the applicant to submit additional information as noted below. As of this writing, all of the additional information has not been submitted for review and approval. As such, staff recommends that the Preliminary Plat be continued to the October 21, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer and sidewalk along East North Street, to install sidewalk along the west side of North Creek Drive, to install sewer along North Creek Drive and Century

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Road and to waive the requirement to dedicate 20 additional feet of right-of-way along North Creek Drive. In addition, the applicant has submitted a Preliminary Plat (File #10PL064) to create seven lots leaving an unplatted non-transferable balance. The lots range in size from 1.133 acres to 2.504 acres and are to be known as Lots 2 through 7 of Vista Ridge Subdivision and Lot 6 of Menard Subdivision.

On September 7, 2010, the City Council approved a Preliminary Plat (File #10PL042) to create Lot 5 of Menard Subdivision which is located east of this proposed plat.

On September 9, 2010, the Planning Commission recommended approval of a Vacation of Right-of-way application (File #10VR006) to vacate a portion of the alley located along the north lot line of proposed Lot 2. City Council will consider the request at their October 4, 2010 City Council meeting.

The property is located southeast of E. North Street between Century Road and E. Anamosa Street. The Horseshoe Bar and a sign are located on proposed Lot 2. The balance of the property is currently void of any structural development.

STAFF REVIEW:

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

East North Street: The proposed plat does not abut East North Street. As such, the applicant is not required to improve the street to City Street Design Standards by installing a sewer main and a sidewalk along the street. However, as noted in the associated Preliminary Plat review, a revised Master Plan must be submitted for review and approval identifying an alternate access to the balance of Lot 3 located directly north of proposed Lot 2 instead of utilizing the service road located within East North Street Right-of-way as access to the parcel. In particular, East North Street is classified as a principal arterial street on the City's Major Street Plan. The Street Design Criteria Manual states that access must be provided to the property from the lesser traveled street which in this case would be Century Road or North Creek Drive. As a result of providing an alternate access to the balance of Lot 3, the plat document may be revised to incorporate Lot 3 into one of the adjacent proposed lots which will then result in the plat document abutting E. North Street. As such, staff recommends that the Variance to the Subdivision Regulations be continued to allow the applicant to submit a revised Master Plan and plat document, if needed, to show an alternate access to the balance of Lot 3.

(Update: October 12, 2010.) The applicant has submitted a revised Master Plan eliminating Lot 3 less Lot H1. In addition, the applicant has indicated that Lot 3 less Lot H1 will be sold. Once the lot is no longer under the same ownership as the property currently being platted, which is owned by Vantage Properties, LLC and

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Century Resources, Inc., the applicant's Master Plan no longer is required to include this area. However, as of this writing, Lot 3 less Lot H1 is owned by Vantage Properties, LLC.

Since the proposed Preliminary Plat does not abut E. North Street, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer and a sidewalk along East North Street be denied as it is not needed. However, the applicant should be aware that if Lot 3 is not sold, then the Master Plan must be revised to include Lot 3 and to show an alternate access to the property other than from East North Street.

North Creek Drive: The Preliminary Plat identifies the extension of North Creek Drive from E. Anamosa Street to the south lot line of the property. North Creek Drive is classified as a minor 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. The construction plans identify North Creek Drive located within an 80 foot wide right-of-way and constructed with a 48 foot wide paved surface, curb, gutter, sidewalk along the east side of the street, street light conduit, sewer along a portion of the street and water. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate 20 additional feet of right-of-way along North Creek Drive, a sewer main along the entire street and a sidewalk along the west side of the street.

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 the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along the west side of the street be denied. The applicant should be aware that the sidewalk must be shown on the construction plans; however, it is not required to be built as a part of the subdivision improvements. Instead, the sidewalk is required to be constructed at the time a building permit is issued for the property.

In consideration of platting the property as proposed, 20 additional feet of right-of-way must be dedicated along North Creek Drive to provide the minimum right-of-way required for a minor arterial street. Obtaining the right-of-way at the time of platting the adjacent lots will allow for the future widening of the street to provide additional turn lanes as needed without requiring that the City purchase the right-of-way in the future if determined it is needed. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate 20 additional feet of right-of-way along North Creek Drive be

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denied.

The applicant has demonstrated that all of the adjacent properties will be provided with sewer service without the extension of a sewer main along this portion of North Creek Drive. In addition, the City's Master Utility Plan does not identify a sewer main along this portion of the street. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide sewer along the entire street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Century Road: The Preliminary Plat identifies Century Road extending south from East North Street to serve as access to five of the proposed lots. Century Road is classified as 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. The construction plans show the street being constructed in compliance with City Design Standards with the exception of sewer along a portion of the street. The applicant has demonstrated that all of the adjacent properties will be provided with sewer service without the extension of a sewer main along this portion of Century Road. In addition, the City's Master Utility Plan does not identify a sewer main along this portion of the street. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide sewer along the entire street 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. **Staff has received two calls of inquiry regarding this item. Neither caller voiced opposition to the application.**