

STAFF REPORT

August 9, 2001

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**No. 01SV020 - Variance to the Subdivision Regulations to waive curb and gutter, sidewalk, dry sewer and water, street light conduit and paving**      **ITEM 29**

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GENERAL INFORMATION:

PETITIONER	ETS, Inc.
REQUEST	<b>No. 01SV020 - Variance to the Subdivision Regulations to waive curb and gutter, sidewalk, dry sewer and water, street light conduit and paving</b>
LEGAL DESCRIPTION	Proposed Lot 1, Lot 2 and Lot 3 of Tract 4 of Bradsky Subdivision No. 2 in the NW1/4 SW1/4 of Section 5, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 26 acres
LOCATION	On the east of Cambell Street north of East St. James Street
EXISTING ZONING	Flood Hazard District/General Commercial District/General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District/General Agriculture District
South:	General Commercial District/Light Industrial District/Public District
East:	Flood Hazard District/Light Industrial District
West:	Flood Hazard District
PUBLIC UTILITIES	To be extended
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the **Planning Commission acknowledge the applicant's withdrawal of the request for a** Variance to the Subdivision Regulations to waive curb and gutter, sidewalk, dry sewer and water, street light conduit, and paving on the access lot, and that the Variance to the Subdivision Regulations to waive curb and gutter, sidewalk, dry sewer and water, street light conduit and paving on Creek Drive be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to City Council approval, the plat shall be revised to show an additional 17 foot of right-of-way along the southern 403.93 feet of Lot 2; and,

Urban Planning Division Recommendations:

2. Prior to City Council approval, a waiver of right to protest an assessment district for Lots 1 thru 3 of Tract 4 shall be signed.

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**GENERAL COMMENTS:** This item was continued at the July 26, 2001 Planning Commission meeting to allow the applicant to review reconfiguring the lots as shown on the associated plat. This Staff Report has been revised as of July 28, 2001. All revised or added text is shown in bold print. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement for paving, curb, gutter, sidewalk, dry sewer and water and street light conduit on Lots 1 thru 3 of Tract 4 of Bradsky Subdivision No. 2.

On January 25, 2001, the Planning Commission approved Layout Plat #00PL133 to subdivide the subject property into three lots. The lots are 5.73 acres, 4.58 acres and 15.31 acres, in size respectively. To date, the City Council has not taken final action on the Layout Plat at the applicant's request.

The property is located north of East St. James Street between Campbell Street and Creek Drive and is currently void of any structural development.

**STAFF REVIEW:** Staff has reviewed the Variance to the Subdivision Regulations request and has noted the following considerations:

**Access Lot:** A 30 foot wide tract of land, owned by the City, extends from Campbell Street to Lot 3. The tract of land was deeded to the City in 1958 for public street or highway purposes. As such, the applicant may utilize the parcel as access to Lot 3.

A stipulation of approval of the Layout Plat requires that access to Lot 3 shall be built to lane place standards with a minimum 20 foot wide paved surface, curb, gutter and sidewalk. Due to the negative impact an unimproved road may have on Campbell Street, staff is recommending that the Variance to the Subdivision Regulations to waive curb and gutter, sidewalk, dry sewer and water and street light conduit be denied. Additional right-of-way must also be dedicated to provide a minimum 45 foot wide roadway to Lot 3.

**Staff identified at the July 26, 2001 Planning Commission meeting that reconfiguring the lots on the associated plat to identify access to proposed Lot 3 directly from Campbell Street and/or Creek Drive would preclude the need to improve the access lot. As such, the applicant has indicated that the associated plat will be reconfigured accordingly and has withdrawn the Variance to the Subdivision Regulations to waive street improvements to the access lot.**

**Creek Drive:** Creek Drive serves as legal access to Lot 2 and is classified as a minor arterial road on the Major Street Plan. A majority of proposed Lot 2 is zoned Flood Hazard District with the northern balance zoned General Agriculture District. Developmental restrictions within the Flood Hazard District as well as the development and construction restrictions in the associated 100-year floodplain (flood fringe), significantly limit the developable area of the subject property. Based on the current condition of Creek Drive and the desire to avoid piece meal construction of the public improvements, staff is recommending that the Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit be approved contingent upon an additional 17 feet of right-of-way being dedicated along the southern 403.93 feet of Lot 2 to meet the

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minimum right-of-way requirements for an arterial road. In addition, the applicant must sign a waiver of right to protest a future assessment for Lots 1 thru 3 of Tract 4.