

STAFF REPORT
March 10, 2005

No. 05SV007 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 42

GENERAL INFORMATION:

PETITIONER	Ron Blum for Montana-Dakota Utilities Co.
REQUEST	No. 05SV007 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Located in the unplatted portion of N1/2 GL4 less Lots H1 & H2, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1, MDU Regulator #83, located in the N1/2 Government Lot 4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .02754 acres
LOCATION	South of the intersection of East Anamosa Street and Elk Vale Road on the east side of Elk Vale Road
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 water and sewer
DATE OF APPLICATION	1/25/2005
REVIEWED BY	Todd Tucker / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and pavement as per Chapter 16.16 of the Rapid City Municipal Code be **denied**:

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GENERAL COMMENTS: (This Staff Report was revised on March 1, 2005. All revised and/or added text is shown in bold text.) This item was continued at the February 24, 2005 Planning Commission meeting to allow time for the applicant to address the additional required information on the plat.

The subject property is located on the east side of Elk Vale Road south of the future extension of East Anamosa Street and north of Homestead Street. The subject property currently has a natural gas regulator station located on it. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and pavement as per Chapter 16.16 of the Rapid City Municipal Code along Elk Vale Road and the pipeline and access easement to a proposed lot. In addition, the applicant has also submitted a Preliminary Plat to subdivide a 39.01 acre parcel to create a .02755 acre utility lot leaving a 38.98245 acre non-transferable unplatted balance (05PL016).

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

Elk Vale Road: Elk Vale Road is located along the west property line of the existing parcel; however, it is not adjacent to the proposed lot. As such, no variance is needed to waive the improvements to Elk Vale Road. Staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Elk Vale Road be tabled as it is not needed.

Pipeline and Access Easement: As previously indicated the pipeline and access easement is shown on the site plan to be 16 feet wide. Staff noted that the pipeline and access easement is classified as a lane/place street requiring that the street be located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk and street light conduit. Requiring the installation of curb, gutter, sidewalk and street light conduit along this portion of the pipeline and access easement will result in a discontinuous street section. However, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along the pipeline and access easement be continued to the March 10, 2005 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat request.

Staff noted that Elk Vale Road is currently paved and the applicant has not requested a variance to not pave the access easement providing access to the proposed lot. As the access easement will be a new road section staff cannot support the Subdivision Variance request. As such, staff recommends that the Variance to the Subdivision Regulations to waive the improvements along the pipeline and access easement be denied.

Notification: The receipts from the certified mailings have not been returned as of this writing. Staff will notify the Planning Commission at the February 24, 2005 Planning Commission meeting if this requirement has not been met.