

STAFF REPORT
May 26, 2005

No. 05SV029 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate additional right-of-way along access easements as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Centerline for BankWest
REQUEST	No. 05SV029 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate additional right-of-way along access easements as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 1, Block 1 and Lot 7, Block 1, Stoney Creek South Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2, Block 1, and Lots 1 through 7, Block 2, Stoney Creek Plaza, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.5 acres
LOCATION	at the northwest corner of Catron Boulevard and Sheridan Lake Road
EXISTING ZONING	General Commercial District (Planned Development Designation) and Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Development Designation) and Low Density Residential District (Planned Residential District)
East:	Low Density Residential District (Planned Residential District)
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/29/2005

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REVIEWED BY

Vicki L. Fisher / 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 sewer and to dedicate additional easement width along the access easements as per Chapter 16.16 of the Rapid City Municipal Code be denied; and that the Variance to the Subdivision Regulations to waive the requirement to install sewer 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 assessments for the improvement.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb gutter, sidewalk, street light conduit, water and sewer and to dedicate additional right-of-way for interior access easements within the subject property.

On March 24, 2005, the applicant has submitted a Layout Plat to subdivide a portion of the subject property, Lot 1 of Block 1, into two lots. This item was continued at the May 5, 2005 Planning Commission at the applicant's request and will, subsequently, be considered at the May 26, 2005 Planning Commission meeting. (See companion item 05PL056.)

On March 17, 2003, the City Council approved a Preliminary and Final Plat to create 14 lots, including the subject property.

The property is located in the southeast corner of the intersection of Catron Boulevard and Sheridan Lake Road and is currently void of any structural development.

STAFF REVIEW:

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

Access Easements: The associated Layout Plat identifies an access easement extending east and north from Sheridan Lake Road through Lots 1A and 1B. The access easement then extends east through Lot 1B and Lot 7, connecting with Bendt Drive located directly east of the subject property. The access easements are classified as commercial streets requiring that the street(s) be located in a minimum 59 foot wide right-of-way or easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has also submitted a site plan identifying the future construction of a 9,600 square foot bank on proposed Lot 1B and an 88,670 square foot commercial retail store on proposed Lot 1A. In addition, the site plan shows the future construction of a 5,500 square foot restaurant and a 7,000 square foot commercial retail

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store on Lot 7. The site plan also identifies the access easements being constructed as a 26 foot wide access aisle with parking on one or both sides of the aisle. However, the proposed land use will generate approximately 5,285 average daily trips of traffic through the proposed development with 475 peak hour trips. As such, the access easements through the three lots must be constructed as commercial streets as identified above. In particular, backing into the access easements must be avoided due to the traffic generated by the proposed land use(s). In addition, sidewalks and street lights must be provided along the access easement to insure safe pedestrian access through the development. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and to dedicate additional right-of-way for interior access easements within the subject property be denied.

Staff has also noted that a water main must be extended through the site to insure adequate commercial and fire flows are being provided. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water be denied.

Currently, a sewer main is located along Sheridan Lake Road and Catron Boulevard. In addition, a sewer main is proposed along Bendt Drive as it abuts the subject property upon construction of the street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install a sewer main within the access easements 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 not been returned. Staff will notify the Planning Commission at the May 26, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquiries regarding this proposal.