

STAFF REPORT
March 9, 2006

No. 06SV001 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement, and to dedicate additional Right-of-Way along the access easements and to waive the requirement to install sidewalk along both sides of the internal streets as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Centerline for Founder's Park, LLC
REQUEST	No. 06SV001 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement, and to dedicate additional Right-of-Way along the access easements and to waive the requirement to install sidewalk along both sides of the internal streets as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The unplatted portion of the W1/2 NW1/4 SE1/4 and Block 1 of North Riverside Addition; all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 35 acres
LOCATION	1350 West Chicago
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Park Forest District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/13/2006
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, water, sewer and pavement along the 60 foot wide road easement be approved;

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That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter sidewalk, street light conduit, water, sewer and to reduce the right-of-way/easement widths from 49 feet to 20 feet and 24 feet, respectively, for the proposed private access easement be approved with the following stipulation:

The private access easement shall be constructed with a minimum 20 foot wide paved surface;

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the commercial street be approved with the following stipulation:

A sidewalk shall be provided along one side of the street; and,

An Exception is hereby granted to allow a five foot wide curb side sidewalk in lieu of a four foot wide property line sidewalk along the commercial street as per the Street Design Criteria Manual.

GENERAL COMMENTS:

(Update, February 28, 2006. All revised and/or added text is shown in bold print.) This item was continued at the February 23, 2006 Planning Commission meeting at the applicants' request. In particular, the applicants requested that this item and all of the associated items be continued to allow them additional time to address access issues through the subject property and to adjacent properties. On February 28, 2006, staff met with the applicants and their consultant to discuss the access issues. The applicants have proposed that pedestrian access be provided to the City park land along the south property line of the subject property. In addition, a private easement to serve as access for service vehicles and adjacent property owners will be provided along the western portion of the property.

(Update, February 15, 2006. All revised and/or added text is shown in bold print.) This item was continued at the February 9, 2006 Planning Commission meeting at the applicant's request. In particular, the applicant requested that this item and all of the associated items be continued to allow them additional time to address access issues through the subject property to adjacent properties. To date, this issue has not been resolved. As such, staff is recommending that this item be continued to the March 9, 2006 Planning Commission meeting. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the proposed commercial street, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an existing 60 foot wide road easement; and, to waive the requirement to install curb, gutter sidewalk street light conduit, water, sewer and to reduce the pavement width from 24 feet to 20 feet and to reduce the right-of-way width from 49 feet to 20 feet for

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a proposed 20 foot wide pedestrian and service easement. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into three lots to be known as The Village at Founders Park. The applicant has also submitted a Comprehensive Plan Amendment to the Major Street Plan to eliminate West Street as a collector street. In addition, the applicant has submitted a Vacation of Right-of-Way request to vacate West Street as it abuts the subject property. The applicant has also submitted an Initial Planned Residential Development to allow a mix of multi-family units and office use to be constructed on the subject property. (See companion items #06PL001, 06CA001, 06VR001 and 06PD001.)

The property is located at the western terminus of W. Chicago Street 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:

Easements: The Layout Plat identifies an existing 60 foot wide road easement located along the north lot line and a portion of the west lot line of the subject property. The easement serves as access to an adjacent property located west of the subject property. The easement is classified as a lane place street requiring that it be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the Layout Plat identifies a proposed 20 foot wide private pedestrian and service easement extending south from W. Chicago Street across City park property and through the southeast corner of the subject property to serve as access to properties located south and west of the subject property. The easement is also classified as a lane place street requiring that it be located in a minimum 49 foot wide easement and/or right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. However, since a portion of the street is located on City park property, the Parks and Recreations Department must review and approve that portion of the street proposed to be located through the adjacent City Park. The City Council must also review and approve the use of the City property for the location of a street. In addition, a SDCL 11-6-19 Review must be submitted for review and approval for the construction of the street on public property. To date, the City Parks and Recreations Department and the City Council have not reviewed and approved the location of a street across public property as identified above. Staff can not support the Variance to the Subdivision Regulations to waive the improvements along the northern 60 foot wide road easement unless the City approves the alternate street location across City park property. This issue must be addressed prior to Planning Commission approval of the Variance to the Subdivision Regulations request.

As noted above, the applicant has submitted a revised Layout Plat identifying a

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private access easement to serve as access to the adjacent properties located south and west of the subject property. In addition, staff is recommending as a stipulation of approval of the associated Initial Planned Unit Development that a second street connection be provided to the Nine Liens Partnership property located west of the subject property upon submittal of a Final Planned Unit Development or the 60 foot wide access easement must be constructed at that time. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve the access easement be approved as requested.

The applicant is also requesting that the proposed private easement to be located in the southwest corner of the property be constructed with a 20 foot wide paved surface and located in an easement width varying from 20 feet to 24 feet. The street is classified as a lane place street requiring that it be located in a minimum right-of-way and/or easement width of 49 feet and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Staff has noted that utilities will be provided along the proposed commercial street and within public utility easements as needed to serve the proposed development. In addition, the site plan submitted with the associated Initial Planned Unit Development identifies pedestrian walkways being provided within the interior of the project. The applicant has also indicated that the easement will provide limited access to adjacent properties. In particular, service vehicles will use the easement to access a portion of the City park land and communication tower(s) located west of the subject property. Due to the limited use of the easement and the provision(s) for utilities and sidewalks outside of the easement area, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve the private access easement be approved with the stipulation that it be constructed with a minimum 20 foot wide paved surface.

Sidewalk: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the commercial street. In particular, the applicant has indicated that a sidewalk will be constructed along one side of the commercial street. In addition, the applicant has submitted an Exception to the Street Design Criteria Manual to allow a five foot wide curb side sidewalk in lieu of a four foot wide property line sidewalk. Staff has reviewed the request and noted that as a part of the associated Initial Planned Unit Development, meandering pedestrian walkways through the development are being proposed. In addition, staff has noted that a sidewalk along one side of the street will provide pedestrian access along the street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the street be approved with the stipulation that a sidewalk be constructed along one side of the street.

The applicant has also submitted topographic information identifying physical constraints limiting the location of sidewalks along the proposed commercial street. As such, staff is

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recommending that the Exception to the Street Design Criteria Manual to allow a five foot wide curb side sidewalk in lieu of a four foot wide property line sidewalk be approved.

Legal Notification Requirement: The receipts from the certified mailings have been returned. As of this writing, staff has received three calls of inquiry regarding this proposal.