

STAFF REPORT
March 23, 2006

No. 06SV006 - Variance to the Subdivision Regulations to waive the requirement to install curb gutter, sidewalk, street light, sewer, water and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 21

GENERAL INFORMATION:

PETITIONER	D.C. Scott Surveyors, Inc. for West River Electric Association
REQUEST	No. 06SV006 - Variance to the Subdivision Regulations to waive the requirement to install curb gutter, sidewalk, street light, sewer, water and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 1 of Neff's Subdivision No. 3 and the unplatted portion of the SW1/4 SW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1R of Neff's Subdivision No. 3 (formerly Lot 1 of Neff's Subdivision and the unplatted portion of the SW1/4 SW1/4), Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.725 acres
LOCATION	400 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 sewer and water
DATE OF APPLICATION	1/27/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

STAFF REPORT
March 23, 2006

No. 06SV006 - Variance to the Subdivision Regulations to waive the requirement to install curb gutter, sidewalk, street light, sewer, water and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 21

install curb gutter, sidewalk and street light along Elk Vale Road **be approved with the following stipulation:**

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

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 66 foot wide access easement be approved; and,

That the Variance to the Subdivision Regulations to waive the requirement to dedicate a ten foot wide planting screen easement be denied without prejudice.

GENERAL COMMENTS:

(Update, March 15, 2006. All revised and/or added text is shown in bold print.) This item was continued at the March 9, 2006 Planning Commission meeting at the applicant's request.

(Update, February 24, 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 applicant's request. On February 24, 2006, the applicant again requested that this item be continued to the March 23, 2006 Planning Commission meeting. As such, staff is recommending that this item be continued as requested. 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 curb, gutter, sidewalk, street light conduit, water, sewer and pavement along an access easement and Elk Vale Road as they abut the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property creating a 7.725 acre lot and leaving a non-transferable unplatted balance. (See companion item #06PL014.) **The applicant has also submitted a Vacation of Right-of-way request to vacate the section line highway located along the south lot line of the subject property. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate a collector street. (See companion items #06VR002 and 06CA004.)**

The property is located approximately 2,200 feet north of the intersection of Homestead Street and Elk Vale Road on the east side of Elk Vale Road. Currently, a utility substation is located on the eastern portion of the property.

STAFF REVIEW:

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

STAFF REPORT
March 23, 2006

No. 06SV006 - Variance to the Subdivision Regulations to waive the requirement to install curb gutter, sidewalk, street light, sewer, water and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 21

Elk Vale Road: The Preliminary Plat identifies Elk Vale Road located along the west lot line of the subject property. Elk Vale Road is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Elk Vale Road is located in a 250 foot wide right-of-way and constructed with an approximate 40 foot wide paved surface, sewer and water. Requiring the improvement of Elk Vale Road as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Elk Vale Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Access Easement: The applicant has submitted a copy of a previously recorded miscellaneous document creating a 66 foot wide access easement extending from Elk Vale Road across an adjacent property to the south lot line of the subject property. The access easement is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and/or easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the access easement has been constructed with an approximate 20 foot wide graveled road. As noted above, the easement is a previously recorded document and is an off-site improvement. In addition, staff has noted that the graveled road will serve as access to the existing utility substation located on the subject property which will generate low traffic volumes along the roadway. The Fire Department has also indicated that the existing graveled road will provide fire apparatus access to the property. Based on these comments and that the proposed Layout Plat does not increase the existing density, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to improve the access easement be approved.

Planting Screen Easement: The Subdivision Regulations require that a ten foot wide planting screen easement be provided along lot lines of residential developments abutting arterial streets. However, the subject property is zoned General Commercial District and developed with a permitted commercial use. Subsequently, a planting screen easement is not required. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement be denied without prejudice.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 23, 2006 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.