

STAFF REPORT
June 22, 2006

No. 06SV026 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk along S.D. Highway 44, to install curb, gutter, sidewalk, sewer, water, and additional pavement along Jolly Lane and to waive sidewalk along Tulip Street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Speedway Enterprises LLC
REQUEST	No. 06SV026 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk along S.D. Highway 44, to install curb, gutter, sidewalk, sewer, water, and additional pavement along Jolly Lane and to waive sidewalk along Tulip Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The unplatted portion of the S1/2 SW1/4 NW1/4; and a portion of the NW1/4 SW1/4, North and East of Highway 44, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.433 acres
LOCATION	At the northeast corner of the intersection of East Highway 44 and Jolly Lane
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	General Commercial District - General Commercial District (Pennington County) - Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Commercial District (Pennington County) - Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	4/28/2006
REVIEWED BY	Vicki Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk along S.D. Highway 44, to install curb, gutter, sidewalk, sewer, water, and additional pavement along Jolly Lane and to waive sidewalk along Tulip

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Street as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

GENERAL COMMENTS:

(Update, June 14, 2006. All revised and/or added text is shown in bold print.) This item was continued at the May 25, 2006 Planning Commission meeting at the applicant's request. On June 14, 2006, County, City and State Staff met with the applicant and his consultant to discuss drainage, access and land use issues. The applicant has indicated that additional information will be submitted to address the issues and, as such, concurs with Staff's recommendation to deny this item without prejudice. 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 and sidewalk along S.D. Highway 44, to install curb, gutter, sidewalk, sewer, water, and additional pavement along Jolly Lane and to waive sidewalk along Tulip Street. In addition, the applicant has submitted a Layout Plat to subdivide a 35.417 acre unplatted parcel into two lots leaving a non-transferable balance. (See companion item #06PL059.)

On April 3, 2000, the City Council denied without prejudice a Layout Plat to subdivide the subject property into four lots. In particular, the City Council noted that access must be taken from Jolly Lane in lieu of S. D. Highway 44.

On March 6, 2001, the applicant submitted a similar Layout Plat to again subdivide the property into four lots. The Layout Plat continued to show access from S. D. Highway 44. On May 7, 2001, the City Council denied without prejudice a Layout Plat to allow the applicant to submit a revised Layout Plat to address drainage issues, approach location issues and subdivision lot layout issues.

Currently, the Black Hills Speedway is located on the proposed unplatted balance and the two proposed lots located adjacent to S.D. Highway 44 are void of any structural development.

STAFF REVIEW:

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

S.D. Highway 44: The Preliminary Plat identifies S.D. Highway 44 located along the south lot line. S.D. Highway 44 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 and posted with no parking signs. Currently, Jolly Lane is located in an approximately 300 foot wide right-of-way and constructed with an approximate 60 foot wide paved surface, sewer and water. The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter and sidewalk

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along S.D. Highway 44. Requiring curb and gutter along this section of the street would create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Jolly Lane: The Preliminary Plat identifies Jolly Lane located along the west lot line. Jolly Lane is classified as a collector street on the City's Major Street Plan requiring that the street be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer and posted with no parking signs. Currently, Jolly Lane is located in an 80 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface and water. The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter, sidewalk, water, sewer and additional pavement along Jolly Lane. Requiring curb, gutter, sewer and the additional pavement along this section of the street would create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Water is currently located along Jolly Lane. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water be denied without prejudice.

Sidewalks: To date, sidewalks are not constructed along Jolly Lane and/or S.D. Highway 44. However, the construction of sidewalks along these two streets as they abut the subject property would provide a pedestrian walkway between the residential developments located north and east of the subject property and the commercial development located along S.D. Highway 44. Currently, there is a worn pedestrian path along the subject property as it abuts S.D. Highway 44 demonstrating that pedestrians are currently walking along this section of roadway. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Jolly Lane and S.D. Highway 44 be denied.

Tulip Street: The Preliminary Plat identifies Tulip Street extending north from S.D. Highway 44 to serve as access to the two proposed lots and the proposed unplatted balance. Tulip Street is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The Preliminary Plat identifies the street located in a 59 foot wide right-of-way. To date, construction plans for the proposed street have not been submitted for review and approval. However, the applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Tulip Street.

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The subject property is currently zoned General Commercial District by the County. Any future development of the two proposed lots will require that pedestrian access be provided between the lots as well as to adjacent properties. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Tulip Street be denied.

Layout Plat: During the review of the associated Layout Plat, staff noted concerns with access and drainage issues. In particular, staff noted that additional information must be submitted for review and approval to allow the proposed street connection to S.D. Highway 44 and that the plat cannot be approved until downstream drainage improvements are constructed as required by the adopted policy of the Western Pennington Flood Management Commission. The applicant also has the option of detaining the flows on-site. However, it is anticipated that a large portion of the proposed lots will be needed to detain the flows. Staff is recommending that the associated Layout Plat and the Variance to the Subdivision Regulations be denied without prejudice to allow the applicant to address the drainage and access issues as identified.