

STAFF REPORT  
October 26, 2006

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**No. 06SV055 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement; and to waive the requirement to install sidewalk along SD Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 45**

GENERAL INFORMATION:

PETITIONER	Renner & Associates for ARC International
REQUEST	<b>No. 06SV055 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement; and to waive the requirement to install sidewalk along SD Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The balance of the residual portion of Lots B and C, located in the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 3 of Barnhart Addition, located in the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.796 acres
LOCATION	2990 East Highway 44
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Pennington County)
South:	General Commercial District (Pennington County)
East:	General Commercial District (Pennington County)
West:	General Commercial District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	8/25/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

**Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along South Dakota Highway 44 be approved with the**

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following stipulation:

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

**That the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along the access easement be approved; and,**

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

1. **A sidewalk shall be provided along one side of the easement; and,**

**That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit be denied.**

GENERAL COMMENTS:

**(Update, October 16, 2006. All revised and/or added text is shown in bold print.) This item was continued at the October 5, 2006 Planning Commission meeting to allow the applicant to submit additional information.**

(Update, September 22, 2006. All revised and/or added text is shown in bold print.) This item was continued at the September 21, 2006 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the October 26, 2006 Planning Commission meeting to allow the applicant to submit the additional information as outlined in the Staff Report.

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 along an access easement and to waive the requirement to install sidewalk along South Dakota Highway 44 as they abut the subject property.

On July 14, 2006, the applicant submitted a Preliminary Plat to subdivide the subject property, creating one lot. This item has been continued to the September 21, 2006 Planning Commission meeting to allow the applicant to submit additional information. (See companion item #06PL114.)

On August 28, 2006, staff approved an Exception request to allow an easement to serve five lots in lieu of four lots as per the Street Design Criteria Manual.

The property is located directly north of the intersection of E. St. Patrick Street and South Dakota Highway 44 on the north side of South Dakota Highway 44. Currently, two commercial signs are located on the property.

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STAFF REVIEW:

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

Access Easement: During the review of the Variance to the Subdivision Regulations, staff noted that additional information must be submitted for review and approval. In particular, the applicant has submitted a site plan showing a six inch water main located east of the proposed access easement, on an adjacent property. In addition, a four inch sewer service line is shown within the access easement. However, the applicant has not submitted construction plans showing the extension of water and sewer to the proposed lot. As such, staff can not sufficiently review the Variance to the Subdivision Regulations request to waive sewer and water mains along the access easement. In addition, the applicant has not submitted any drainage information demonstrating the accommodation of flows along the access easement with the proposed elimination of curb and gutter. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the October 26, 2006 Planning Commission meeting to allow the applicant to submit the additional information. **The applicant has submitted plans showing the extension of water and sewer service(s) to the subject property. In particular, the applicant has demonstrated that the water main located directly east of the subject property will serve the proposed lot. In addition, a sewer service line will be extended from S.D. Highway 44 right-of-way to serve the lot. The Rapid Valley Sanitary District has reviewed and approved the proposed service line(s). In addition, staff has noted that the balance of the properties along the access easement currently are being serviced from Rapid Valley Sanitary District. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along the access easement be approved.**

The applicant has submitted a site plan showing the proposed location of curb and gutter along the west side of the access easement for a distance of approximately 240 feet. However, the applicant has not demonstrated that the design of the street within the access easement will accommodate drainage flows. In addition, staff is concerned that the mix of land uses in the area warrant curb and gutter along the access easement to separate lanes of traffic from parking and/ or stacking lanes for the adjacent campground. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter be denied.

Staff has also noted that a sidewalk is currently located along the north side of S.D. Highway 44. Requiring a sidewalk to be constructed along one side of the access easement will provide a pedestrian walkway between the adjacent properties and S.D. Highway 44. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide sidewalk along both sides of the

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easement be approved with the stipulation that a sidewalk be provided along one side of the access easement.

In addition, staff has noted that the requirement to provide street light conduit does not require that a street light be installed as a part of platting the property. However, providing the conduit at this time allows the installation of a street light in the future if and/or when, it is needed. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along the access easement be denied.

**S.D. Highway 44:** S.D. Highway 44 is located along the south lot line of the subject property. The street is classified as a principal arterial street on the City's Major Street Plan requiring that it 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, S.D. Highway 44 is located in a 185 foot wide right-of-way and constructed with five paved lanes. In addition, the balance of the street improvements is in place with the exception of sidewalk along the south side of the street. Staff has noted that floodplain and wetland issues preclude the construction of a sidewalk along this portion of the street at this time. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the south side of S.D. Highway 44 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 been returned. Staff has not received any calls of inquiry regarding this proposal.