

STAFF REPORT
July 26, 2007

No. 07SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit and to reduce the right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 36

GENERAL INFORMATION:

PETITIONER	Centerline, Inc. for Action Development, Inc.
REQUEST	No. 07SV024 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit and to reduce the right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Tract 1 of Century 21 Subdivision, less Lot H1, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1, 2 and 3 of Century 21 Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 67 acres
LOCATION	At the intersection of E. North Street and the proposed E. Anamosa Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District - General Agriculture District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District
West:	Light Industrial District - General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/26/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit and to reduce the right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code be **denied without prejudice**.

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GENERAL COMMENTS:

(Update, July 18, 2007. All revised and/or added text is shown in bold print.) This item was continued at the July 5, 2007 Planning Commission meeting to allow the applicant to submit additional information. On July 10, 2007, staff met with the applicant to discuss the outstanding issues. In particular, it was discussed that the Preliminary Plat document could be revised to eliminate the access easements if the Master Plan was revised eliminating the need to provide access easements. On July 17, 2007, the applicant submitted a revised Master Plan and a revised Preliminary Plat eliminating the access easements as identified. As such, staff is recommending that the **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit and to reduce the width of the access easements be denied without prejudice.**

(Update, June 25, 2007. All revised and/or added text is shown in bold print.) This item was continued at the June 21, 2007 Planning Commission meeting to allow the applicant to submit additional information. On May 22, 2007, staff met with the applicant's consultant to discuss this item and the associated Layout Plat application. In particular, it was identified that a lighting plan and a pedestrian walkway plan must be submitted for review and approval in order to determine if street light conduit and sidewalk are needed as a part of the street design. In addition, a detail of the proposed street design, including private and public utilities, must be submitted for review and approval demonstrating that the street can be constructed in the proposed easement width(s). On June 8, 2007, the applicant submitted a Preliminary Plat (File #07PL081) to subdivide the subject property into a six acre lot as shown on the associated Layout Plat (File #07PL061). The construction plans submitted with the Preliminary Plat application show City sewer and water within the proposed access easements. However, to date, the location of the private utilities and a lighting plan and a pedestrian walkway plan have not been submitted for review and approval. As such, staff is recommending that this item be continued to the July 26, 2007 Planning Commission meeting.

(Update, June 8, 2007. All revised and/or added text is shown in bold print.) This item was continued at the June 7, 2007 Planning Commission meeting to allow the applicant to submit additional information. On May 22, 2007, staff met with the applicant's consultant to discuss this item and the associated Layout Plat application. In particular, it was identified that a lighting plan and a pedestrian walkway plan must be submitted for review and approval in order to determine if street light conduit and sidewalk are needed as a part of the street design. In addition, a detail of the proposed street design, including private and public utilities, must be submitted for review and approval demonstrating that the street can be constructed in the proposed easement width(s). To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the July 5, 2007 Planning Commission meeting.

(Update, May 30, 2007. All revised and/or added text is shown in bold print.) This item was

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continued at the May 24, 2007 Planning Commission meeting to allow the applicant to submit additional information. On May 22, 2007, staff met with the applicant's consultant to discuss this item and the associated Layout Plat application. In particular, it was identified that a lighting plan and a pedestrian walkway plan must be submitted for review and approval in order to determine if street light conduit and sidewalk are needed as a part of the street design. In addition, a detail of the proposed street design, including private and public utilities, must be submitted for review and approval demonstrating that the street can be constructed in the proposed easement width(s). To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the June 21, 2007 Planning Commission meeting.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit and to reduce the easement width from 59 feet to 35 feet and 26 feet, respectively, along access easement(s). In addition, the applicant has submitted a Layout Plat to subdivide the subject property into three commercial lots leaving a 65.37 acre balance.

On February 20, 2006, the City Council approved a Layout Plat to create a 34 acre commercial lot, leaving a 31 acre non-transferable balance.

The property is located north and east of the intersection of E. North Street and the E. Anamosa Street right-of-way. Currently, the property is 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 applicant has indicated that access easements will be extended north from E. Anamosa Street to serve the three proposed lots. The access easements are classified as commercial streets requiring that the easements be a minimum 59 feet wide and that the street be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The Layout Plat identifies the access easements with a varied width of 35 feet to 26 feet. However, the width of the easements can not be reduced unless a Master Utility Plan showing the location of public and private utilities has been submitted for review and approval supporting the proposed reduction. In addition, a detail of the proposed street design must be submitted for review and approval demonstrating that the street can be constructed in the proposed easement width(s).

During the review of the associated Layout Plat staff noted that a substantial amount of commercial development has been proposed along Interstate 90 between LaCrosse Street and Elk Vale Road. This proposed development will also create additional traffic onto the roadways within this area. As such, a traffic analysis must be submitted for review and approval to address signals, turn lanes, queue lengths etc. within the proposed streets and the adjacent roadways. The potential re-alignment and/or design of the street sections may

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significantly alter the proposed lot configuration(s) and easement widths.

Staff is recommending that the Variance to the Subdivision Regulations be continued to the June 7, 2007 Planning Commission meeting to allow the applicant to submit additional information as identified above. In particular, a traffic analysis, a master utility plan and a detail of the proposed street design within the access easement(s) must be submitted for review and approval. In addition, a revised Master Plan clearly delineating the proposed lots and access easement location(s) must be submitted for review and approval.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has not received any calls or inquires regarding this proposal.