

STAFF REPORT
August 9, 2007

No. 07SV010 - Variance to the Subdivision Regulations to waive the requirement to develop section line right-of-way on an extension of Jolly Lane, dedicate additional public right-of-way on an extension of Jolly Lane, or install sidewalk on Jolly Lane; and to waive the requirements to install curb, gutter, sidewalk, sewer, water, or planting screen easement on Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	D. C. Scott Co. Land Surveyors for Wesleyan Church
REQUEST	No. 07SV010 - Variance to the Subdivision Regulations to waive the requirement to develop section line right-of-way on an extension of Jolly Lane, dedicate additional public right-of-way on an extension of Jolly Lane, or install sidewalk on Jolly Lane; and to waive the requirements to install curb, gutter, sidewalk, sewer, water, or planting screen easement on Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The unplatted portion of the NE1/4 SE1/4, lying southeast of Elk Vale Road, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.1 acres
LOCATION	On the west side of Jolly Lane, at the north end between Jolly Lane cul-de-sac and curve in Elk Vale Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	Office Commercial District (Planned Commercial Development)
West:	Light Industrial District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	2/9/2007

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REVIEWED BY

Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install pavement, curb, gutter, streetlight conduit, water and sewer and dedicate additional public right-of-way on that portion of section line highway located north of Jolly Lane be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along Elk Vale Road be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement be denied without prejudice;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water and sidewalks 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; and,

That the Planning Commission acknowledge the applicant's withdrawal of the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Jolly Lane.

GENERAL COMMENTS: This staff report has been revised as of July 30, 2007. All revised and/or added text is shown in bold print. This item was continued to the August 9, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. On July 17, 2007 staff met with the applicant to discuss the remaining issues for the proposed plat. A Vacation of Section Line Highway (#07VR009) application and an additional application for a Variance to the Subdivision Regulations (#07SV041) will be considered for the property at the August 9, 2007 Planning Commission meeting. Staff recommends that this item be continued to the August 9, 2007 Planning Commission meeting to allow the applicant to submit the required information and to be heard in conjunction with the associated applications.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to develop section line right-of-way on an extension of Jolly Lane, dedicate additional public right-of-way on an extension of Jolly Lane, to install sidewalk on Jolly Lane, and to waive the requirements to install curb, gutter, sidewalk, sewer, water, or planting screen easement on Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code.

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The applicant has also submitted a Preliminary Plat (07PL029) to subdivide a 39.49 acre parcel into one 2.1 acre lot and leave the remaining 37.39 acres as an unplatted balance. The property is located west of Elk Vale Road at the northern terminus of Jolly Lane. The subject property is currently void of structural development.

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

Section Line Highway: A section line highway is located along the east lot line of the subject property. Jolly Lane is located in the southern 240 feet of the section line highway. The balance of the section line highway is undeveloped. The portion of the section line highway adjacent to the subject property is classified as a subcollector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has requested a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, and sewer and dedicate additional public right-of-way on the undeveloped portion of section line highway.

The undeveloped portion of the section line highway is not identified on the Major Street Plan and does not serve as the only legal access to the adjacent properties. In particular, Tract B of Neff's Subdivision No. 4 is accessed from Jolly Lane and the adjacent unplatted parcel is accessed by an access easement extending south from Homestead Street. In the past City Council has required that the section line highway be vacated in lieu of granting a Variance to the Subdivision Regulations when it is demonstrated that the section line highway is not needed for access. As such, staff recommends that the Variance to the Subdivision Regulations on that portion of section line highway north of Jolly Lane to waive the requirements to install pavement, curb, gutter, streetlight conduit, water and sewer and dedicate additional public right-of-way be denied.

Jolly Lane: As previously indicated, Jolly Lane is located in the southern 240 feet of section line highway along a portion of the east property line of the subject property and is classified as a subcollector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer. The applicant is proposing to dedicate the west 33 feet of right-of-way along the east property line as part of this plat. The east 33 feet of right-of-way was dedicated as part of Neff's Subdivision No. 4 (00PL127). The additional right-of-way will create a 66 foot wide right-of-way. Currently, Jolly Lane is constructed with approximately 20 feet of paved surface, curb and gutter. The applicant has requested a variance to waive the requirements to construct sidewalk along Jolly Lane adjacent to the subject property. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be approved with the stipulation that sidewalk shall be

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provided on one side of Jolly Lane and that the applicant sign a waiver of right to protest the future assessment for these improvements. Staff would also note that construction plans to construct Jolly Lane with a 27 foot wide paved surface shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained to reduce the pavement width of Jolly Lane.

On July 18, 2007 the applicant requested that the Variance to Waive the Requirements to install sidewalk along Jolly Lane be withdrawn. As such, staff recommends that the Planning Commission acknowledge the withdrawal of the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Jolly Lane.

Elk Vale Road: Elk Vale Road, lying directly adjacent to the proposed subdivision is identified as an arterial street on the Major Street Plan. It is also on the State Highway System. Pursuant to the Street Design Criteria Manual, the street must be located in a 100 foot wide right-of-way. Currently, Elk Vale Road is located in a 250 foot wide right-of-way with four paved lanes, exceeding the City's requirements. Sanitary sewer is currently located in Elk Vale Road. There is no curb and gutter, sidewalk or street light conduit on portions of this frontage and the adjacent roadway. Requiring those improvements at this location would result in a discontinuous street section. Further, this road is a State Highway. For those reasons, staff recommends that the variance to waive the requirement to install curb, gutter, water and sidewalks along Elk Vale Road be approved with the stipulation that the applicant sign a waiver of right to protest the future assessment for these improvements and the variance to waive the requirement to install sewer along Elk Vale Road be denied without prejudice.

Screen Planting: Staff noted that Section 16.12.190 states that a double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Since the subdivision is a commercial development no planting screen easement is 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.

This item was continued to the March 22, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. This item was continued to the April 5, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. This item was continued to the April 26, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. This item was continued to the May 10, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. This item was continued to the May 24, 2007 Planning Commission meeting to be heard in

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conjunction with the Preliminary Plat. This item was continued to the June 7, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. This item was continued to the June 21, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. This item was continued to the July 5, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. This item was continued to the July 26, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. **This item was continued to the August 9, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.**