

STAFF REPORT  
February 7, 2008

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**No. 07SV062 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water and sewer along North Maple Avenue as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 20**

GENERAL INFORMATION:

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|----------------------------|---|
| APPLICANT                  | Thomas E. Lien  |
| AGENT                      | Janelle Finck for Fisk Land Surveying & Consulting Engineers  |
| PROPERTY OWNER             | Gikling and Meier, LLC  |
| REQUEST                    | <b>No. 07SV062 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water and sewer along North Maple Avenue as per Chapter 16.16 of the Rapid City Municipal Code</b> |
| EXISTING LEGAL DESCRIPTION | A portion of the unplatted balance of the N1/2 NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota  |
| PROPOSED LEGAL DESCRIPTION | Lots 2 thru 4 of LJS Subdivision, located in the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota  |
| PARCEL ACREAGE             | Approximately 34.09 acres   |
| LOCATION                   | 2310 North Maple Avenue   |
| EXISTING ZONING            | General Commercial District   |
| SURROUNDING ZONING         |   |
| North:                     | General Commercial District   |
| South:                     | Shopping Center District 2  |
| East:                      | General Commercial District   |
| West:                      | General Commercial District   |
| PUBLIC UTILITIES           | City sewer and water  |
| DATE OF APPLICATION        | 10/26/2007  |
| REVIEWED BY                | Vicki L. Fisher / Mary Bosworth   |

RECOMMENDATION:

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

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install water along North Maple Avenue be **approved with the following stipulations:**

1. **Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,**
2. **Prior to Preliminary Plat approval by the City Council, the water plans shall be revised to show the extension of a water main from proposed Lot 3 to the intersection of Disk Drive and North Maple Avenue to provide a looped system;**

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

1. **A sidewalk shall be provided along the north side of the street; and,**

**That the Variance to the Subdivision Regulations to waive the requirement to install sanitary sewer along North Maple Avenue be denied without prejudice.**

GENERAL COMMENTS:

**(Update, January 25, 2008. All revised and/or added text is shown in bold print.) This item was continued at the January 24, 2008 Planning Commission meeting at the applicant's request. On January 22, 2008, the applicant submitted a revised Preliminary Plat eliminating Lot 4 and eliminating that portion of Lot 2 that abutted the north-south leg of North Maple Avenue.**

(Update, January 11, 2008. All revised and/or added text is shown in bold print.) This item was continued at the January 10, 2008 Planning Commission meeting at the applicant's request.

(Update, January 3, 2008. All revised and/or added text is shown in bold print.) This item was continued at the November 21, 2007 Planning Commission meeting at the applicant's request. On January 2, 2008, the applicant submitted a written request that this item be continued to the January 24, 2008 Planning Commission meeting. As such, staff is recommending that the Variance to the Subdivision Regulations be continued as requested.

(Update, December 28, 2007. All revised and/or added text is shown in bold print.) This item was continued at the November 21, 2007 Planning Commission meeting at the applicant's request. 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 sidewalk, water and sewer along North Maple Avenue as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (#07PL147) to subdivide the property into three lots. **As noted above, the applicant has submitted a revised plat eliminating Lot 4 and reconfiguring Lot 2.**

On January 15, 2007, the City Council approved a Layout Plat to create three lots, which included a portion of this property.

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The property is located in the southeast corner of the intersection of Mall Drive and North Maple Avenue. Currently, a 10,000 square foot commercial building is located on proposed Lot 3. The balance of 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:

North Maple Avenue: North Maple Avenue is located along the south and west lot lines of the subject property. The 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. Currently, North Maple Avenue is located in a 100 foot wide right-of-way and constructed with an approximate 40 foot wide paved surface, curb, gutter and street light conduit. In addition, water and sewer mains have been installed along a portion of North Maple Avenue. In particular, an eight inch water main is located along the north-south portion of North Maple Avenue abutting proposed Lot 2. An eight inch water main has also been extended from an existing 12 inch water main located in East Mall Drive to serve the commercial building on proposed Lot 3. The applicant is proposing to extend the water main from proposed Lot 3 to serve proposed Lot 4 creating a long dead end water main service. A public water main does not exist along the east-west leg of North Maple Avenue and the north-south leg of North Maple Avenue as it abuts proposed Lot 4. In lieu of providing a water main connection along this portion of North Maple Avenue, staff is recommending that the applicant extend the water main from Lot 3 to the intersection of Disk Drive and North Maple Avenue to provide a looped system. In addition, staff is recommending that the applicant sign a waiver of right to protest any future assessments for the water main along the balance of North Maple Avenue as it abuts the property.

A sewer main is currently located in North Maple Avenue with the exception of approximately 165 feet of the north-south leg as it abuts proposed Lot 2. Extending sewer to the north lot line of proposed Lot 2 will provide a sewer service to this area of the property and to the unplatted balance located directly north of proposed Lot 2. As such, staff is recommending that the Variance to the Subdivision Regulations to waive sewer along this portion of North Maple Avenue be denied. **As noted above, the revised plat eliminated that portion of Lot 2 abutting North Maple Avenue. As such, a sanitary sewer main is not required to be extended along this portion of North Maple Avenue as a part of the subdivision improvements for this plat. Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a sanitary sewer main along North Maple Avenue be denied without prejudice as the improvement is no longer required.**

Currently, sidewalk does not exist along this portion of North Maple Avenue. However, this is a commercial area and it is anticipated that as this area continues to develop with commercial use(s), additional pedestrian traffic will be generated between the use(s). It has also been the position of the City Council that a sidewalk be provided as a part of the

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development of a site to insure pedestrian safety within our community. In order to provide a safe place for pedestrians to walk, staff is recommending that a sidewalk be provided along one side of the street.

Notification Requirement: As of this writing, the receipts from the certified mailings have been returned.