

STAFF REPORT
January 7, 2010

No. 09SV026 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, reduce the pavement width from 26 feet to 20 feet and to reduce the right-of-way width from 59 feet to 26 feet and 24 feet respectively as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 23

GENERAL INFORMATION:

APPLICANT	Frontera Chicos, LLC
AGENT	Bob Brandt
PROPERTY OWNER	Frontera Chicos, LLC
REQUEST	No. 09SV026 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, reduce the pavement width from 26 feet to 20 feet and to reduce the right-of-way width from 59 feet to 26 feet and 24 feet respectively as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 2 of Huffman Subdivision, located in the N1/2 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2A, 2B and 2C of Huffman Subdivision, located in the N1/2 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.72 acres
LOCATION	Southeast of the intersection of East North Street and North Cambell Street
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District - Light Industrial District
East:	General Commercial District
West:	General Commercial District - Light Industrial District
PUBLIC UTILITIES	City sewer and water

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ITEM 23

DATE OF APPLICATION 12/11/2009

REVIEWED BY Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, reduce the pavement width from 26 feet to 20 feet and to reduce the right-of-way width from 59 feet to 26 feet and 24 feet, respectively, as per Chapter 16.16 of the Rapid City Municipal Code be continued to the January 21, 2010 Planning Commission meeting.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along the access easements, to reduce the easement width from 59 feet to 26 feet and 24 feet, respectively, along the access easements, to reduce the pavement width from 26 feet to 20 feet along a portion of the access easements, to waive the requirement to provide a sidewalk along one side of the service road, along both sides of E. North Street and along a portion of Century Road, to install sewer along Century Road and to reduce the right-of-way width along Century Road from 59 feet to 30 feet. In addition, the applicant has submitted a Preliminary Plat (File #09PL086) to subdivide the property into three lots. The lots are sized 1.525 acres, 1.436 acres and 1.647 acres, respectively.

On July 24, 2008, the Planning Commission approved a Conditional Use Permit (File #07UR015) to allow an on-sale liquor establishment and denied without prejudice the future phase(s) of the development.

On August 21, 2008 the Planning Commission approved an Initial and Final Commercial Development Plan (File #08PD041) for Phase One to allow an on-sale liquor establishment in conjunction with a full service restaurant on the property replacing the previously approved Conditional Use Permit. The restaurant was identified as "On the Border", a Mexican food restaurant. A Major Amendment to the Planned Commercial Development must be obtained prior to a building permit being issued for Phase Two and/or Phase Three of the development.

On May 4, 2009, the City Council approved a Major Amendment to the Planned Commercial Development (File #09PL011) revising the sign package to allow a 41 foot high by 31.5 foot wide monument sign with a 64.22 square foot LED electronic reader board extending the width of the sign. The sign has subsequently been constructed in the northwest corner of the property.

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On December 7, 2009, the City Council approved a Layout Plat (File #09PL069) to subdivide the property into three lots as shown on this Preliminary Plat.

The property is located approximately 500 feet east of the intersection of E. North Street and N. Cambell Street on the south side of E. North Street. Currently, the restaurant, "On the Border", is located on proposed Lot 2B. One contiguous parking lot has been constructed across all three lots to serve the existing restaurant and future use(s) on proposed Lots 2A and 2C.

STAFF REVIEW:

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

Sewer and water: A private 8 inch water line has been extended south from E. North Street within the eastern portion of the property. The existing water line was designed and constructed to City design standards but does not meet City requirements for location and accessibility as a result of the plat. A 6 inch sanitary sewer main has also been extended south from E. North Street within the western portion of the property. The existing sewer main does not meet minimum size requirements for a public main nor does it meet City requirements for location and accessibility as a result of the plat. In particular, the private sanitary sewer and water lines will extend across all three lots in lieu of being located on one lot. The City's design standards do not allow a sanitary sewer and/or water system to cross over adjacent properties. As of this writing, the applicant has not obtained an Exception to allow the private sewer and water lines to cross over adjacent properties. Until the Exception is obtained, it cannot be determined if an alternate design for water and sewer must be provided. Subsequently, the plat document could significantly be altered if the Exception is not obtained which may have an impact on the requested Variances.

Staff recommends that the Variance to the Subdivision Regulations be continued to allow the applicant to either obtain an Exception to allow the water and sewer lines to cross another lot or to alter the construction plans and associated plat document as needed to comply with the City's design standards. The applicant should be aware that if an Exception is obtained, the applicant must submit a copy of a recorded Covenant Agreement securing perpetual maintenance of the private sewer system.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 7, 2010 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.