

STAFF REPORT
February 4, 2010

No. 10SV002 - Variance to the Subdivision Regulations to reduce the width of the access easements from 59 feet to 26 feet ,to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of Founders Park Drive right-of-way from 60 feet to 59 feet as per Chapter 16.16 of the Rapid City Municipal Code **ITEM 23**

GENERAL INFORMATION:

APPLICANT	Founders Park II, LLC
AGENT	Centerline
PROPERTY OWNER	Founders Park II, LLC
REQUEST	No. 10SV002 - Variance to the Subdivision Regulations to reduce the width of the access easements from 59 feet to 26 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of Founders Park Drive right-of-way from 60 feet to 59 feet as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The unplatted portion of the W1/2 NW1/4 SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 6 of Founders Park Subdivision, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.2 acres
LOCATION	North of Founders Park Drive
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Commercial Development)
South:	Office Commercial District (Planned Commercial Development)
East:	Flood Hazard District
West:	Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water

STAFF REPORT
February 4, 2010

No. 10SV002 - Variance to the Subdivision Regulations to reduce the width of the access easements from 59 feet to 26 feet ,to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of Founders Park Drive right-of-way from 60 feet to 59 feet as per Chapter 16.16 of the Rapid City Municipal Code **ITEM 23**

DATE OF APPLICATION 1/13/2010

REVIEWED BY Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the width of the public access easement from 59 feet to 26 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the public access easement and to reduce the width of Founders Park Drive right-of-way from 60 feet to 59 feet be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to reduce the width of the proposed public access easement that extends through the property from 59 feet to 26 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the public access easement and to reduce the width of Founders Park Drive right-of-way from 60 feet to 59 feet as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #10PL003) to plat the property into a 0.8345 acre lot to be known as Lot 6 of Founders Park Subdivision. The applicant has also submitted a Major Amendment to the Founders Park Planned Commercial Development (File #10PD001) to allow an office building to be constructed on each of proposed Lots 6 and 9 of Founders Park Subdivision.

On August 21, 2006, the City Council approved a Preliminary Plat (File #06PL115) to create Lots 1 through 11 of Founders Park Subdivision. In addition, a Variance to the Subdivision Regulations (File #06SV046) was approved to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements. On January 26, 2007, a Final Plat was approved by the City for Lots 1, 7 and 8 of Founders Park Subdivision. On February 29, 2008, a Final Plat was approved for Lot 2 of Founders Park Subdivision. The Preliminary Plat for Lots 3, 4, 5, 6, 9, 10 and 11 has expired. As such, the applicant has submitted the associated Preliminary Plat request for Lot 6.

On March 9, 2006, the Planning Commission approved an Initial Planned Unit Development (File #06PD001) to allow a mixed use development including family dwelling units and office uses to be constructed within the Founders Park Subdivision. Final Planned Unit Development(s) have been approved for Lots 2, 7 and 8 of Founders Park Subdivision to allow an office building to be constructed on each of the lots. On February 21, 2008 a Major Amendment to the Planned Unit Development (File #08PD021) was approved revising the previously approved sign package.

The property is located approximately 700 feet north of the intersection of Executive Drive and Founders Park Drive on the north side of Founders Park Drive. Currently, no buildings have been constructed on proposed Lot 6. Landscaping has been installed and a parking

STAFF REPORT
February 4, 2010

No. 10SV002 - Variance to the Subdivision Regulations to reduce the width of the access easements from 59 feet to 26 feet ,to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of Founders Park Drive right-of-way from 60 feet to 59 feet as per Chapter 16.16 of the Rapid City Municipal Code **ITEM 23**

lot has been constructed on the site.

STAFF REVIEW:

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

Public Access Easement: A joint parking lot has been constructed on Lots 6 through 9. The plat document identifies the access aisle within the parking lot located within a 26 foot wide public access easement. The access easement is classified as a commercial street requiring that it be located in a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the easement has been constructed with a 26 foot wide paved surface. The site plan submitted with the associated Final Commercial Development Plan identifies that lighting is being provided as required to serve the parking lot(s) and the access aisles. In addition, a sidewalk is being provided along the front of the building and from the building to Founders Park Drive. Utilities are also being extended through the site to provide service to the proposed commercial development. As such, staff recommends that that the Variance to the Subdivision Regulations to reduce the width of the public access easement from 59 feet to 26 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the public access easement be approved with the stipulation that lighting be provided throughout the parking lot and along the access easement, sidewalk(s) be provided along the front of the building and from the building to Founders Park Drive and utilities be extended to serve the property as per the Final Commercial Development Plan.

Founders Park Drive: At the time the Layout Plat for Founders Park Subdivision was initially approved, Founders Park Drive was classified as a commercial street requiring that the street 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. Founders Park Drive was subsequently dedicated as a 59 foot wide right-of-way and constructed as a commercial street as a part of the Final Plat for Lots 1, 7 and 8 of Founders Park.

Subsequently, a Comprehensive Plan Amendment to the Major Street Plan (File #06CA001) was approved designating Founders Park Drive as a collector street in lieu of West Street. As a collector street, Founders Park Drive must be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. As such, prior to Preliminary Plat approval by the City Council, the plat document must be revised to show the dedication of 6 additional inches of right-of-way for Founders Park Drive or a Variance to the Subdivision Regulations must be obtained. The applicant has submitted this Subdivision Variance Request to waive the requirement to dedicate an additional 6 inches of right-of-way for Founders Park Drive.

STAFF REPORT
February 4, 2010

No. 10SV002 - Variance to the Subdivision Regulations to reduce the width of the access easements from 59 feet to 26 feet ,to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easements and to reduce the width of Founders Park Drive right-of-way from 60 feet to 59 feet as per Chapter 16.16 of the Rapid City Municipal Code **ITEM 23**

Constructing the street as a commercial street in lieu of a collector street resulted in a pavement width of 26 feet in lieu of 24 feet. In addition, the street and utility improvements have been constructed within the existing 59 foot wide right-of-way. Since the street is currently constructed within the existing right-of-way and since the classification of the street changed during the process of platting the property, staff recommends that the Variance to the Subdivision Regulations to waive to dedicate 60 feet of right-of-way be approved.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the February 4, 2010 Planning Commission meeting if the legal notification requirements have not been met.