

STAFF REPORT
September 25, 2008

No. 08SV042 - Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Fifth Street and Elk Street and to install sidewalk along Third Street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Vern Osterloo for Rapid City Regional Hospital
AGENT	Renner & Associates
PROPERTY OWNER	Rapid City Regional Hospital
REQUEST	No. 08SV042 - Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Fifth Street and Elk Street and to install sidewalk along Third Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Vacated Third Street Right-of-way, Tracts AR-1 thru AR-6, Tract B and Tract E of Regional Hospital Addition, and a part of the unplatted portion of the SE1/4 SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tracts H and I of Regional Hospital Addition, located in the SW1/4, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 46.902
LOCATION	Southeast of the intersection of Fifth Street and Fairmont Boulevard
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Office Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/25/2008

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REVIEWED BY

Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Fifth Street and Elk Street be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Third Street be denied.

GENERAL COMMENTS:

**(Update, September 11, 2008. All revised and/or added text is shown in bold print.)
This item was continued at the August 21, 2008 Planning Commission meeting to allow the applicant to submit additional information for the associated Preliminary Plat. As of this writing, the required information has not been submitted for review and approval. Staff will notify the Planning Commission at the September 25, 2008 Planning Commission meeting if the information has been submitted as required.**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Fifth Street and Elk Street and to install sidewalk along Third Street as they abut the property. In addition, the applicant has submitted a Preliminary Plat (File #08PL112) to replat six parcels into two lots leaving an unplatted non-transferable balance located west of 5th Street.

On July 7, 2008, the City Council approved a Layout Plat to replat the property into two lots as shown on this Preliminary Plat.

The property is located at the southeast corner of the intersection of Fairmont Boulevard and Fifth Street. The property is currently zoned General Commercial District with a Planned Commercial Development. The Rapid City Regional Hospital is located on proposed Tract H and the Rapid City Hospice Facility is located on proposed Tract I.

STAFF REVIEW:

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

Fifth Street: Fifth Street is located along the west lot line of the property and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Fifth Street is located within a 100 foot wide right-of-way and constructed with five 12 foot wide paved lanes, curb, gutter, sidewalk, street light conduit and water. In addition, sewer has been

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constructed along Fifth Street with the exception of approximately 1,000 feet from Fairmont Boulevard south to Lot 2 of Tract C, Regional Hospital Subdivision. Due to the grades along this section of the street and the existing sanitary sewer layout within this area, an additional sewer main along this section of Fifth Street is not needed. In particular, a looped sewer system is not needed at this location and all of the surrounding properties are currently served with City sewer. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along this portion of Fifth Street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Elk Street: Elk Street is located along the south lot line of the property and is classified as a commercial street requiring that it be located within 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, Elk Street is located within a 66 foot wide right-of-way and constructed with a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit and water. In addition, sewer has been constructed along Elm Street with the exception of approximately 600 feet from Fifth Street east to Tract F of the Regional Hospital Subdivision. Due to the grades along this section of the street and the existing sanitary sewer layout within this area, an additional sewer main along this section of Elk Street is not needed. In particular, a looped sewer system is not needed at this location and all of the surrounding properties are currently served with City sewer. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along this portion of Elk Street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Third Street: Third Street is located along the east lot line of the property and is classified as a commercial street requiring that it be located within 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, Third Street is located within a 60 foot wide right-of-way and constructed with a 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer.

The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to construct a sidewalk along both sides of Third Street. However, this is a commercial area and the existing medical facilities on this property and the adjacent property currently generate significant pedestrian traffic in the area. Providing a sidewalk along Third Street will provide a safe place for the pedestrians to walk. It has also been the position of the City Council that a sidewalk be provided as a part of the development of a site to ensure pedestrian safety within our community. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to construct a sidewalk along both sides of Third Street be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the August 21, 2008 Planning

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Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.