

STAFF REPORT

July 13, 2000

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**SVAR #00SV011 - Variance to the Subdivision Regulations to waive the requirement for all street improvements, paving, curb, gutter, dry sewer and water lines**

**ITEM 23**

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GENERAL INFORMATION:

PETITIONER	Gary Renner for Dacotah Cement
REQUEST	<b>SVAR #00SV011 - Variance to the Subdivision Regulations to waive the requirement for all street improvements, paving, curb, gutter, dry sewer and water lines</b>
LEGAL DESCRIPTION	Lot 1 of Limestone Tunnel Subdivision located in the SW1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.487 Acres
LOCATION	Approximately 1/4 mile south of the intersection of Universal Drive and S.D. Highway 79 on the west side of S.D. Highway 79
EXISTING ZONING	Heavy Industrial (County)
SURROUNDING ZONING	
North:	General Agriculture District-Low Density Residential (County)
South:	Heavy Industrial (County)
East:	Heavy Industrial (County)
West:	Heavy Industrial (County)
PUBLIC UTILITIES	N/A
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for curb and gutter along the access easement be approved. Staff also recommends approval of the Variance to the Subdivision Regulations to waive the requirement for water lines and dry sewer. Staff recommends denial of the Variance to the Subdivision Regulations to waive the requirement to submit road construction plans and the request to waive the paving requirement with the following stipulation:

1. That the access road may be gated and locked with a Knox box with the condition that, prior to City Council approval, an agreement be executed and recorded at the Register of Deed's Office between the applicant and the City of Rapid City agreeing that the City may

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require the removal of the gate at such time that development on the property so warrants additional access.

GENERAL COMMENTS: On June 8, 2000, the Planning Commission approved Preliminary and Final Plat #00PL048 to create a 3.487 acre lot, leaving a 140.323 acre unplatted balance. The Planning Commission approved the Preliminary and Final Plat contingent upon subdivision improvements being made prior to City Council approval. The applicant has submitted a Subdivision Regulations Variance Request to waive the requirement to complete the above referenced subdivision improvements.

The applicant has indicated that the property is being platted to allow for the sale, lease or exchange of the property from the current owner, Dacotah Cement, to Pete Lien & Sons, Inc. Pete Lien & Sons, Inc. has submitted a Master Plan identifying that an over land conveyor (a four to five foot wide transporting system constructed on a five foot wide base with a 48 inch wide rubber belted deep troughing device) will be constructed on the property. The over land conveyor will be used to transport mined materials from properties located directly north of the subject property to a 12.70 acre parcel across S. D. Highway 79. The over land conveyor will be constructed under S. D. Highway 79.

STAFF REVIEW:

Subdivision Variance to Waive Curb and Gutter on the access easement:

Curb and Gutter: Currently, none of the streets in the area have curb and gutter. Both the Planning Commission and the City Council have supported variances to allow rural section roads for other subdivisions in this area. A major reason for the requirement for the installation of curb and gutter is to provide adequate facilities for storm water run off and drainage. The Engineering Division has indicated that if the access road is paved to rural road standards with gravel shoulders and a ditch to accommodate the drainage, then curb and gutter are not necessary based on the anticipated use.

Subdivision Variance to Waive Water Line and Dry Sewer Requirement: The extension of water lines and dry sewers are required by the City's Subdivision Regulations as part of any plat where central water and sewer services are not already available. The proposed subdivision is located well outside of the existing City water and sewer service area. Dry sewers are sanitary sewer mains installed as development occurs but in advance of there being central sewer service available to the property. At some future point in time the lines can be "activated" when sanitary sewer service becomes available to the property. The City does not anticipate that there will be City water or sewer available to the property for several years. Therefore staff supports the variance to waive the requirement for the installation of water lines and dry sewer.

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Subdivision Variance to Waive Road Construction Plans and the Paving Requirement: The applicant has indicated that the culvert located under S. D. Highway 79 will serve as access to the property in lieu of an access road off of S. D. Highway 79. The Rapid City Fire Department and the Pennington County Highway Department have indicated that the access road located in an easement must be constructed to allow access for emergency vehicles. The culvert may not be of sufficient size to allow large emergency vehicles to access the property. In addition, if an accident occurred in the culvert, access to the property would be blocked.

Staff can not identify any physical hardship precluding the requirement to submit road construction plans and pave the access road to the subject property. The Engineering Division has indicated that the road must have a minimum 49 foot wide right-of-way with a 24 foot wide paved surface meeting the minimum requirements for a lane road. The only hardship in this case is a financial hardship to the developer. As previously indicated, the Engineering Division has recommended supporting the variance to waive the curb and gutter requirement with the condition that the access road be paved to rural road standards with gravel shoulders and a ditch to accommodate the drainage. Further, the platting of this property will result in the creation of a new lot. It has been the policy of the Planning Commission and the City Council to deny waiving the paving requirement when additional lots are being created and when the proposed road will result in a contiguous paving surface from an existing road. Staff can not support the variance request to waive submitting road construction plans or the paving requirement.

On July 6, 2000, staff visited with the applicant and discussed the option of paving the access road. The applicant has indicated a concern that they be allowed to gate and lock the private road along S. D. Highway 79 to preclude access to the property by the general public. The applicant indicated that the gate would be locked with a Knox box to allow emergency access to the property if and when needed. As previously indicated, the applicant has submitted a master plan identifying that an over land conveyor will be constructed on the property and that the culvert located under S. D. Highway 79 will serve as access to the property for the proposed use. Staff is recommending that the owner be allowed to gate and lock the access road with a Knox box with the condition that an agreement be executed between the applicant and the City of Rapid City agreeing that the City may require the removal of the gate at such time that development on the property so warrants additional access.