

STAFF REPORT

September 25, 2003

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**No. 03SV032 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Plaza Drive as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 28**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc. for Coca-Cola Bottling Company of the Black Hills
REQUEST	<b>No. 03SV032 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Plaza Drive as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.0 acres
LOCATION	East of Coca Cola Lane on Plaza Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	08/25/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit along Plaza Drive as per Chapter 16.16 of the

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Rapid City Municipal Code be approved with the following stipulation:

Engineering Division Recommendation:

1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Plaza Drive. The applicant has also submitted a Preliminary and Final Plat to subdivide the subject property into two lots. (See companion item #03PL086.)

The property is located east of Coca Cola Lane on the north side of Plaza Drive. Currently, the subject property is void of any structural development.

STAFF REVIEW:

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

Plaza Drive: As previously indicated, a Variance to the Subdivision Regulations has been submitted to waive the requirement to install curb, gutter, sidewalk and street light conduit along Plaza Drive. However, the Subdivision Regulations do not require the installation of sidewalks in the Light Industrial District. Currently, curb, gutter and street light conduit do not exist along Plaza Drive. Requiring the applicant to improve Plaza Drive as identified will create a discontinuous street design. The Engineering Division has indicated that the existing ditch along the front lot line serves to accommodate drainage flows from the property. As such, staff is recommending that the Variance to the Subdivision Regulations as requested be approved with the stipulation that the applicant sign a waiver of right to protest a future assessment for the improvements. In particular, any assessment project to construct curb, gutter and street light conduit along Plaza Drive may not be protested by the property owner.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the September 25, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.