

STAFF REPORT

March 25, 2004

No. 04SV010 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 34

GENERAL INFORMATION:

PETITIONER	Renner & Associates for Barry Peterson
REQUEST	No. 04SV010 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 4R and 5R of Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A, B, and C of Lots 4R and 5R, Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.368 acres
LOCATION	West of Kennel Drive along Centre Street
EXISTING ZONING	Light Industrial District w/PLID
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	Light Industrial District w/PLID
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	02/26/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and storm sewer along Centre Street as it abuts the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property from two lots into three lots. The applicant has also submitted a Major Amendment to an Initial Planned Light Industrial Development to change the proposed use of the property from a detoxification center to the sales and service of mobile homes, a lumber yard with a sales office and storage unit rentals. (See companion item #04SV010 and 04PD013.)

In April 17, 1995, the City Council approved an Initial and Final Planned Light Industrial Development to allow five buildings to be constructed on five lots in the Sale Barn Addition which included the subject property. The approved Planned Light Industrial Development identifies the eventual division of the five lots into 20 industrial townhome lots for individual businesses. On December 27, 1999, a Minimal Amendment to the Planned Light Industrial Development was approved to allow a detoxification center to be constructed on the subject property.

The subject property is located southeast of the Quick Lane/Centre Street intersection. Currently, a commercial structure is located on proposed Lot A. The balance of the subject property is currently void of any structural development.

STAFF REVIEW:

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

Centre Street: Centre Street is located along the north lot line and is classified as an industrial street requiring a minimum 59 foot wide right-of-way with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, storm sewer, water and sanitary sewer. To date, Centre Street is located in a 66 foot wide right-of-way and constructed with a 26 foot wide paved surface, water and sanitary sewer. Requiring the improvement of Centre Street as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Centre Street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 25, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.