

STAFF REPORT
August 26, 2004

No. 04SV047 - Variance to the Subdivision Regulations to waive the requirement to install water, sewer and street light conduit along Omaha Street and West Boulevard and to waive the requirement to install street light conduit and sewer along Rapid Street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 30

GENERAL INFORMATION:

PETITIONER	Renner & Associates for First Western Bank
REQUEST	No. 04SV047 - Variance to the Subdivision Regulations to waive the requirement to install water, sewer and street light conduit along Omaha Street and West Boulevard and to waive the requirement to install street light conduit and sewer along Rapid Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 1 thru 16, Lots 21 thru 28, Lots A thru F, and vacated alley, all located in Block 4 of Riverside Addition, and a portion of Eleventh Street Right-of-Way located in SE1/4 of SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract A of Block 4, Riverside Addition located in SE1/4 of SE1/4, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.674 Acres
LOCATION	At the southeast corner of the intersection of Omaha Street and West Boulevard
EXISTING ZONING	General Commercial District (PCD)
SURROUNDING ZONING	
North:	General Commercial District/Flood Hazard District
South:	Light Industrial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/30/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson / Renee Catron-Blair

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

STAFF REPORT
August 26, 2004

No. 04SV047 - Variance to the Subdivision Regulations to waive the requirement to install water, sewer and street light conduit along Omaha Street and West Boulevard and to waive the requirement to install street light conduit and sewer along Rapid Street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 30

install water, sewer and street light conduit along West Boulevard and street light conduit along Rapid Street and Omaha Street be denied and the Variance to the Subdivision Regulations to waive the requirement to install sewer along Rapid Street and Omaha Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

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.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct street light conduit and water along Omaha Street and West Boulevard and street light conduit and sewer along Omaha Street, West Boulevard and Rapid Street as they abut the subject property. The applicant also has submitted a Preliminary Plat to combine the subject property into one lot. (See companion item #04PL106.)

The property is located in the southwest corner of the Omaha Street/West Boulevard intersection. Currently, the property is void of any development with the exception of two billboards located on the property.

STAFF REVIEW:

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

Rapid Street: Currently, sanitary sewer does not exist in Rapid Street. Staff recommends prior to approval of the Variance to the Subdivision Regulations by the City Council, the applicant must execute a waiver of right to protest any future assessments for this improvement. The Variance to the Subdivision Regulations of waiving the requirement of installing street light conduit along Rapid Street is denied because street lights already exist, making the request not necessary.

Omaha Street: Staff supports the Variance to the Subdivision Regulations to waive the requirement to install sewer on Omaha Street. All properties with frontage on the segment of the street adjacent to the subject parcel have access to existing sewer adjacent to their properties. The Variance to the Subdivision Regulations of waiving the requirement of installing street light conduit along Omaha Street is denied because street lights already exist, making the request not necessary.

West Boulevard: The Variance to the Subdivision Regulations of waiving the requirement of installing water, sewer and street light conduit along West Boulevard is denied because water, sewer and street lights already exist, making the request not necessary.

STAFF REPORT
August 26, 2004

No. 04SV047 - Variance to the Subdivision Regulations to waive the requirement to install water, sewer and street light conduit along Omaha Street and West Boulevard and to waive the requirement to install street light conduit and sewer along Rapid Street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 30

LEGAL NOTIFICATION REQUIREMENT:

The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the August 26, 2004 Planning Commission meeting if this requirement is not met. Staff has received no inquiries about this proposal.