

STAFF REPORT
August 26, 2004

No. 04SV049 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

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| PETITIONER | TSP for Rob Poeppel |
| REQUEST | No. 04SV049 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code |
| EXISTING LEGAL DESCRIPTION | Balance of the North 1/2 of Block 4 and balance of the South 1/2 of Block 4 and alley right-of-way all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots 1 and 2 of Block 4 of Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 1.34 Acres |
| LOCATION | 900 East Watertown |
| EXISTING ZONING | Light Industrial District |
| SURROUNDING ZONING | |
| North: | Medium Density Residential District |
| South: | General Commercial District |
| East: | Light Industrial District |
| West: | Light Industrial District |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 7/30/2004 |
| REVIEWED BY | Vicki L. Fisher / Curt Huus |

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the September 9, 2004 Planning Commission meeting.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the

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requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along N. Cherry Avenue and E. Madison Street as they abut the above legally described property. In addition, the applicant has submitted a Layout Plat to reconfigure the two properties and to vacate the alley. (See companion item #04PL108.)

The subject property is located in the northeast corner of the N. Cherry Avenue/E. Watertown Street. Currently, a 12,000 square foot industrial building is located on proposed Lot 1 and Lot 2 is void of any structural development.

STAFF REVIEW:

Staff has suggested that the Variance to the Subdivision Regulations to waive the street improvements as identified above be continued in order to review the possibility of vacating the right-of-way. The landowners have concurred in that suggestion. Currently, the two streets are undeveloped as they abut the subject property. As such, it may be more appropriate to vacate the right-of-way in lieu of granting a Variance to the improvements. The applicant will be meeting with the adjacent property owner(s) to review this option. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the September 9, 2004 Planning Commission meeting.