

STAFF REPORT
August 26, 2004

No. 04SV045 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 18

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Robert Scull
REQUEST	No. 04SV045 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	SW1/4 SW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1, Lot 2 and Drainage Lot, Block 1 and dedicated streets, Commerce Park Subdivision, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.17 Acres
LOCATION	At the northeast corner of the intersection of Rand Road and Commerce Road
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/23/2004
REVIEWED BY	Renee Catron-Blair / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and pavement 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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ITEM 18

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer, pavement and water improvements along Commerce Road and Rand Road as it abuts the subject property. In addition, the applicant has submitted a Layout Plat to subdivide approximately 9 acres into two light industrial lots and one drainage lot. (See companion item #04PL093)

The subject property is located northeast of the intersection of Rand Road and Commerce Road. Currently, there are structures on the property.

STAFF REVIEW:

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

Commerce Road: Commerce Road is an Arterial Street with a minimum standard of 100 foot right-of-way and 36 foot paved surface. Additional right-of-way is being dedicated on the plat document. Currently, Commerce Road is constructed with a 20 to 22 foot paved surface and is without curb, gutter and sidewalk and requiring the improvement along Commerce Road as it abuts the subject property will result in a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Commerce Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Rand Road: Rand Road is a Collector Street with a minimum standard of 60 foot right-of-way and 26 foot paved surface. Additional right-of-way is being dedicated on the plat document. Currently, Rand Road is constructed with a 24 foot paved surface and is without curb, gutter, sidewalk and sewer and requiring the improvement along Rand Road as it abuts the subject property will result in a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Rand Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Connection Fees: Sewer and water connection fees have been established for the area, to recover costs from City project #84-4, which extended water supply and wastewater collection systems to this vicinity, on Rand Road. Connection fees are identified as \$15.36 per lineal foot of frontage on Rand Road for the water connection fee, and \$956.88 per acre for the wastewater connection fee. The Rand Road frontage is 705.64 feet; the water connection fee for this plat is therefore \$10,838.63. The wastewater connection fee for the 8.17 acres being platted is \$7,817.71. These fees will need to be paid to the City of Rapid City Finance Office prior to a building permit being issued.

LEGAL NOTIFICATION REQUIREMENT:

The receipts from the certified mailings have not been returned. Staff will notify the Planning

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Commission at the August 26, 2004 Planning Commission meeting if this requirement is not met. Staff has received no inquiries about this proposal.