

STAFF REPORT
December 9, 2004

No. 04SV062 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to provide additional pavement, along SD Highway 79 and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along SD Highway 79 and to reduce the right-of-way width from 59 feet to 20 feet for the interior street and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the interior street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Hewey Clemmons
REQUEST	No. 04SV062 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to provide additional pavement, along SD Highway 79 and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along SD Highway 79 and to reduce the right-of-way width from 59 feet to 20 feet for the interior street and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the interior street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot B less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 3 less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.98 acres
LOCATION	5680 South Highway 79
EXISTING ZONING	Light Industrial District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Agriculture District (County)
East:	General Agriculture District (County)
West:	Heavy Industrial District (City)

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PUBLIC UTILITIES	City water/private wastewater
DATE OF APPLICATION	10/25/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, additional pavement and sidewalk along SD Highway 79 be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to provide sidewalk along the interior street be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to provide water along SD Highway 79 be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, and water along the interior street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to provide curb, gutter, street light conduit and sewer along the interior street and SD Highway 79 be approved with the following stipulation:

1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

GENERAL COMMENTS:

(This Staff Report has been updated on November 24, 2004. All revised and or added text is shown in bold print.) This item was continued at the November 24, 2004 Planning Commission meeting at the applicant's request. Please note that no other part of this Staff Report has been revised. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to provide additional pavement along SD Highway 79; to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along SD Highway 79; to reduce the right-of-way width for the interior street from 59 feet to 20 feet; and, to waive the requirement to install pavement, curb, gutter sidewalk, street light conduit, water and sewer along the interior street. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into three industrial lots. (See companion item #04PL154.)

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The property is located approximately 200 feet south of the Old Folsom Road and SD Highway 79 intersection on the east side of SD Highway 79. Currently, three large industrial buildings are located on the property.

STAFF REVIEW:

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

SD Highway 79: SD Highway 79 is located along the west lot line of the subject property. The road is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, SD Highway 79 is located in a 270 foot wide right-of-way with two divided 28 foot wide paved street sections. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, to provide additional pavement and to provide a sidewalk along SD Highway 79 as it abuts the subject property. However, the current design standard provides sufficient right-of-way and pavement width for SD Highway 79. In addition, the street standards for this section of SD Highway 79 do not require that a sidewalk be provided. As such, staff is recommending that the Variance to the Subdivision Regulations to waive these requirements be tabled.

The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer along SD Highway 79. However, a water main currently exits along the west side of SD Highway 79. As such, staff is recommending that the water main be extended under SD Highway 79 and to the south lot line of the subject property. In addition, the water main must be extended along the proposed interior street. Subsequently, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install a water main be denied.

Staff has also noted that requiring the construction of curb, gutter, street light conduit and sewer along SD Highway 79 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 these improvements along SD Highway 79 be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Internal Street: The Layout Plat identifies an internal street serving as access to proposed Lots 2 and 3. The street is classified as an industrial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved

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surface, curb, gutter, street light conduit, water and sewer. The applicant has requested a Variance to the Subdivision Regulations to allow the existing approximate 20 foot wide graveled road to serve as access to the proposed lots. However, the Layout Plat identifies increasing the existing density from one industrial lot to three industrial lots. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to construct a minimum 26 foot wide paved surface with water be denied.

Currently, there is not curb, gutter streetlight conduit and sewer along SD Highway 79 as it abuts the subject property. Staff has also noted that requiring the construction of curb, gutter, street light conduit and sewer along the internal street will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive these improvements along the internal street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 24, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.