

STAFF REPORT
August 25, 2005

No. 05SV056 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 31

GENERAL INFORMATION:

PETITIONER	Centerline for DJS Holdings, LLC
REQUEST	No. 05SV056 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 1 of Lot M, Burson Subdivision, located in the E1/2, Section 19, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.5 acres
LOCATION	3788 East Highway 44
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District (Pennington County) - Suburban Residential District (Pennington County)
South:	Low Density Residential District
East:	General Commercial District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	7/29/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along S.D. Highway 44 be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to install water along School Drive be tabled; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along School Drive and to waive the requirement to install curb, gutter, sidewalk and street light conduit along S.D. Highway 44 be approved with the

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following stipulation:

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

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along School Drive and S.D. Highway 44 as they abut the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into two commercial lots. (See companion item #05PL145.)

The property is located approximately 350 feet west of the intersection of Jolly Lane and S.D. Highway 44 on the north side of S.D. Highway 44. Currently, a strip mall and a car wash are located on the property.

STAFF REVIEW:

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

S.D. Highway 44: S.D. Highway 44 is located along the south lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, S.D. Highway 44 is located in a 150 foot wide right-of-way and constructed with a 60 foot wide paved surface, sewer and water. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer and water be tabled. In addition, staff has noted that requiring the construction of curb, gutter, sidewalk and street light conduit along S.D. Highway 44 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 requirement to improve the street as identified be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

School Drive: School Drive is located along the north lot line of the subject property and is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, School Drive is located in a 66 foot wide right-of-way with a 26 foot wide paved surface and water. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water be tabled. In addition, staff has noted that requiring the construction of curb, gutter, sidewalk and street light conduit along School Drive 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 requirement to improve the street as identified be approved with the stipulation that the applicant sign a waiver of right to protest any future

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assessment for the improvement.

The Rapid Valley Sanitary District has indicated that sewer currently exists along a portion of School Drive and within the S.D. Highway 44 right-of-way to serve the subject property. As such, they support the request to waive the requirement to install sewer along the balance of School Drive. Staff is recommending that the Variance to the Subdivision to waive the requirement to install sewer 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 August 25, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.