

STAFF REPORT  
October 27, 2005

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**No. 05SV068 - Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sidewalk, planting screen easement, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 39**

GENERAL INFORMATION:

PETITIONER	D.C. Scott Co. Land Surveyors for Timberline Corporation
REQUEST	<b>No. 05SV068 - Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sidewalk, planting screen easement, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Tract G, Fountain Springs Business Park, located in the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2, Tract G, Fountain Springs Business Park, located in the NE1/4 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2 acres
LOCATION	North side of South Plaza Drive at juncture with Plaza Boulevard
EXISTING ZONING	Light Industrial District (Planned Unit Development)
SURROUNDING ZONING	
North:	General Agriculture District
South:	Light Industrial District (Planned Unit Development)
East:	Office Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/30/2005
REVIEWED BY	Vicki L. Fisher / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water, sewer and planting screen easement be tabled;

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That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be approved with the following stipulation:

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

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sidewalks, sewer and water along S. Plaza Drive and to waive the requirement to provide a landscape planting easement. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into two industrial lots. (See companion item #05PL180.)

The property is located southwest of the intersection of Harmony Heights Lane and S. Plaza Drive and is currently void of any structural development.

**STAFF REVIEW:**

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

**Sidewalk:** S. Plaza Drive is classified as an industrial street and the property is located within a Light Industrial Zoning District. Chapter 12.16.080 of the Rapid City Municipal Code does not require a sidewalk within a Light Industrial Zoning District. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be tabled.

**Water and Sewer:** Currently, a water main and a sewer main exist in the S. Plaza Drive right-of-way to serve the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install a water main and a sewer main be tabled.

**Landscape Planting Easement:** A ten foot wide landscape planting easement is required along lots abutting an arterial street as per the Street Design Criteria Manual. However, S. Plaza Drive is classified as an industrial street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a landscape planting easement be tabled.

**Street Light Conduit:** Currently, street light conduit does not exist along this section of S. Plaza Drive. Requiring the improvement along S. Plaza 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 improvement be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

**Sewer:** Staff has noted that a sewer main must be extended along S. Plaza Drive to serve the subject property. As such, staff is recommending that the Variance to the Subdivision

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Regulations to waive the requirement to install sewer be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 27, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.