

STAFF REPORT
October 27, 2005

No. 05SV071 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and sewer and reduce the surface width along Deadwood Avenue and to waive the requirement to install sanitary sewer along Buffalo Bill Road as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Farrar Real Estate, LLC
REQUEST	No. 05SV071 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and sewer and reduce the surface width along Deadwood Avenue and to waive the requirement to install sanitary sewer along Buffalo Bill Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 1, Block 5, Farrar Business Park, and a portion of the NE1/4 SE1/4, Section 16, all located in the NE1/4 SE1/4, Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1R and Lot 2, Block 2; Lots 1 and 2, Block 3; Lots 2 and 3, Block 4, Farrar Business Park, and a portion of the NE1/4 SE1/4, Section 16, all located in the NE1/4 SE1/4, Section 16, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.0 acres
LOCATION	At the southwest corner of the intersection of Calamity Road and Hickock Trail
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Light Industrial District
East:	General Agriculture District
West:	Limited Agriculture District (Pennington County) - Heavy Industrial District (Pennington County)
PUBLIC UTILITIES	Private
DATE OF APPLICATION	9/30/2005

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REVIEWED BY

Mike Maxwell / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install sanitary sewer along Buffalo bill Road be denied.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and sewer and reduce the surface width along Deadwood Avenue as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

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

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer and to reduce the surface width along Deadwood Avenue and to waive the requirement to install sanitary sewer along Buffalo Bill Road as per Chapter 16.16 of the Rapid City Municipal Code as it abuts the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property creating 6 lots. (See companion item #05PL183.)

The property is located in the NE1/4 of the SE1/4 Section 16, T12, R7E, BHM, Rapid City, Pennington County, South Dakota.

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

Buffalo Bill Road: Buffalo Bill Road is proposed to be located along the northern and southern lot lines of the proposed Lots 1 and 2 of Block 3, proposed Lot 2 of Block 2, and proposed Lot 3 of Block 4. Buffalo Bill Road is classified as a minor arterial road on the City's Major Street Plan. A minor arterial road must 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, sidewalk, water and sewer. Currently, the Preliminary Plat shows Buffalo Bill Road located within a 60 foot wide right-of-way and is an unimproved road

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along Buffalo Bill Road. However, staff has noted that the sewer main is needed along this section of street to provide future service to the properties located west of the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied.

Deadwood Avenue: Deadwood Avenue is located along the eastern lot line of the subject

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property and is classified as a principal arterial on the City's Major Street Plan. A principal arterial must 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, sidewalk, water and sewer. Currently Deadwood Avenue has a 66 foot wide right-of-way and is constructed with 26 foot wide paved street section. Currently there is no curb, gutter, sidewalk, or sewer installed along this portion of Deadwood Avenue. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer and to reduce the surface width along Deadwood Avenue from 40 feet to 26 feet. Requiring the improvement would create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements as requested be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

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.