

STAFF REPORT  
December 7, 2006

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**No. 06SV071 - Variance to the Subdivision Regulations to reduce the pavement width from 40 feet to 24 feet along North Plaza Drive, to reduce the pavement width from 26 feet to 24 feet along Fountain Plaza Drive and to waive the requirement to install curb, gutter, sidewalk and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 37**

GENERAL INFORMATION:

PETITIONER	CETEC Engineering Services, Inc. for Franklin O. Simpson
REQUEST	<b>No. 06SV071 - Variance to the Subdivision Regulations to reduce the pavement width from 40 feet to 24 feet along North Plaza Drive, to reduce the pavement width from 26 feet to 24 feet along Fountain Plaza Drive and to waive the requirement to install curb, gutter, sidewalk and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The unplatted portion of the S1/2 NE1/4, south of I90 and the N1/2 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: commencing at the northeast corner of Tract L of Fountain Springs Business Park Thence S63°36'03"E 71.35 feet to the true point of beginning; Thence S77°20'21"E 464.75 feet along the 83 foot Right-of-way of North Plaza Drive to a point; Thence S12°39'39"W 398.51 feet to a point; Thence S48°33'44"W 190.08 feet to a point; Thence S89°22'32"W 217.00 feet to a point on the Right-of-way of Fountain Plaza Drive; Thence N00°37'28"W 611.03 feet along said Right-of-way to the beginning of a curve concave to the East having a radius of 251.57 feet; Thence northeasterly 7.85 feet along said curve to the true point of beginning
PROPOSED LEGAL DESCRIPTION	Tract P of Fountain Springs Business Park and dedicated public right-of-way located in the S1/2 NE1/4 and the N1/2 SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.0 acres
LOCATION	Southeast of the intersection of Plaza Drive and Fountain Plaza Drive

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EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Agriculture District
East:	General Agriculture District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/9/2006
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

**RECOMMENDATION:**

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along North Plaza Drive and Fountain Plaza Drive be denied without prejudice; and,

That the Variance to the Subdivision Regulations to reduce the pavement width from 40 feet to 24 feet along North Plaza Drive, to reduce the pavement width from 26 feet to 24 feet along Fountain Plaza Drive and to waive the requirement to install curb, gutter and street light conduit along North Plaza Drive and Fountain Plaza Drive 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 improvements.

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations to reduce the pavement width from 40 feet to 24 feet along North Plaza Drive, to reduce the pavement width from 26 feet to 24 feet along Fountain Plaza Drive and to waive the requirement to install curb, gutter, sidewalk and street light conduit along North Plaza Drive and Fountain Plaza Drive as they abut the subject property. In addition, the applicant has submitted a Preliminary Plat to create a five acre lot leaving a non-transferable unplatted balance. (See companion item #06PL181.)

The property is located in the southeast corner of the intersection of North Plaza Drive and Fountain Plaza Drive. To date, the subject property is void of any structural development.

**STAFF REVIEW:**

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

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considerations:

Sidewalk: The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install sidewalks along North Plaza Drive and Fountain Plaza Drive. Chapter 16.16.090 of the Rapid City Municipal Code states that sidewalks shall be constructed on both sides of all public or private streets in conformity with the design standards set forth in the Street Design Criteria Manual and Title 12 of the Code. The Street Design Criteria Manual does not require that a sidewalk be constructed along an industrial street. In addition, Title 12 of the Rapid City Municipal Code does not require that sidewalks be provided in an Industrial Zoning District. As such, sidewalks are not required along North Plaza Drive and Fountain Plaza Drive. Staff is recommending that the Variance to the Subdivision Regulations be denied without prejudice.

Pavement: Currently, North Plaza Drive and Fountain Plaza Drive are constructed with a 24 foot wide paved surface. The Street Design Criteria Manual requires that North Plaza Drive be constructed with a minimum 40 foot wide paved surface and Fountain Plaza Drive be constructed with a minimum 26 foot wide paved surface. Requiring the additional pavement along the two streets as they abut the subject property will result in discontinuous street sections. The Planning Commission and the City Council have granted similar Variance requests when the requirement to improve the street would result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to reduce the pavement width from 40 feet to 24 feet along North Plaza Drive and to reduce the pavement width from 26 feet to 24 feet along Fountain Plaza Drive be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Curb, Gutter and Street Light Conduit: Currently, curb and gutter are located along North Plaza Drive up to the northwest corner of proposed Tract P. In addition, as noted above, North Plaza Drive and Fountain Plaza Drive are constructed with a 24 foot wide paved surface. Requiring the construction of curb, gutter and street light conduit along an existing paved street section becomes problematic. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and street light conduit 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 December 7, 2006 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.