

STAFF REPORT

March 8, 2007

No. 06SV079 - Variance to the Subdivision Regulations to waive the requirement to install sewer along the section line highway and Berglund Road; to waive the requirement to install street light conduit along Berglund Road and Fox Road; to allow platting half the Right-of-way, to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water along the section line highway, and the US Hwy 16 service road as per Chapter 16.16 of the Rapid City Municipal Code **ITEM 17**

GENERAL INFORMATION:

PETITIONER	D. C. Scott Co. Land Surveyors for G. E. Commercial Finance
REQUEST	No. 06SV079 - Variance to the Subdivision Regulations to waive the requirement to install sewer along the section line highway and Berglund Road; to waive the requirement to install street light conduit along Berglund Road and Fox Road; to allow platting half the Right-of-way, to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water along the section line highway, and the US Hwy 16 service road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Tract B of Tract 1 of the W1/2 of the SW1/4 of Section 23, and Tract 2 of the SW1/4 of the NW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 30.05 acres
LOCATION	Northwest of the intersection of Promise Road and U.S. Highway 16 South
EXISTING ZONING	Business Park District
SURROUNDING ZONING	
North:	Business Park District
South:	Public District - General Commercial District (Planned Commercial Development)
East:	General Commercial District - General Commercial District (Planned Commercial Development)
West:	Park Forest District - Medium Density Residential District (Planned Residential Development) - Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City Water and Sewer

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DATE OF APPLICATION 12/29/2006

REVIEWED BY Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water, along the US Hwy 16 service road as per Chapter 16.16 of the Rapid City Municipal Code 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 of the improvements.

GENERAL COMMENTS: (Update, February 28, 2007. All revised and/or added text is shown in bold print.) This item was continued at the February 8, 2007 Planning Commission meeting to allow the applicant to submit additional information.

The applicant has requested that the proposed Preliminary Plat be platted in phases, with Lot 1 being submitted for review and approval at this time, and the remainder of the property, known as Lot 2, to be submitted for review and approval at a later date. The applicant has also requested that a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water along the Hwy 16 service road be submitted.

The applicant has recently submitted updated construction plans and a plat document showing the two phases of development.

This item was continued at the January 25, 2007 Planning Commission meeting to allow the application to submit additional information. This staff report has been revised as of January 30, 2007. All revised and/or added text is shown in bold print.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along Berglund Road, to waive the requirement to install street light conduit along Berglund Road and Fox Road and to allow platting half a right-of-way, to waive the requirements to install curb, gutter, sidewalk, street light conduit, sewer and water along the section line highway, and the US Highway 16 Service Road. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into two lots to be known as IGT Subdivision. Proposed Lot 1 will consist of 12.17 acres. Proposed Lot 2 will consist of 17.28 acres.

Current zoning of the proposed lots is BP- Business Park District. The property is located south

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of Fox Road and west of U.S. Highway 16 South. Currently, an office building / school complex is located on the proposed Lot 1, proposed Lot 2 is void of any structural development.

On July 5, 1994 a Conditional Use Permit was approved with stipulations for the subject property allowing an assembly and warehousing facility. To date this facility has not been built.

On August 11, 2006 the applicant submitted a Preliminary Plat application to subdivide the subject property into two lots. Subsequently the Preliminary Plat application was denied without prejudice at the applicant's request.

STAFF REVIEW:

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

Section Line Highway: The associated Preliminary Plat identifies the vacation of the east half of the section line highway located along the west lot line. However, a Vacation of Section Line Highway Petition has not been submitted with the signatures of the adjacent property owners. The signatures are required identifying that the adjacent property owners are in concurrence with the request since the section line highway currently serves as a legal access to the property. As such, the Planning Commission and the City Council cannot consider the Vacation of Section Line Highway request. For this reason, staff is recommending that the Preliminary Plat be continued to the March 8, 2007 Planning Commission meeting to allow the applicant to submit a complete Vacation of Section Line Highway request with the required signatures or remove the vacation note from the plat document. In addition, staff is recommending that the Variance to the Subdivision Regulations be continued to the March 8, 2007 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

Legal Notification Requirement:

As of this writing the required white slips and green cards have been returned to the Growth Management Department. To date, staff has not received any calls of inquiry regarding this proposal.