

STAFF REPORT
September 24, 2009

No. 09SV019 - Variance to the Subdivision Regulations to reduce the pavement width from 40 feet to 28 feet and 32 feet, respectively, and to waive the requirement to install curb, gutter, sidewalk and sewer along Lien Street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 26

GENERAL INFORMATION:

APPLICANT	Stan Blum
AGENT	D.C. Scott Co. Land Surveyors
PROPERTY OWNER	Rommismo Family Limited Partnership c/o Dan Kadmas
REQUEST	No. 09SV019 - Variance to the Subdivision Regulations to reduce the pavement width from 40 feet to 28 feet and 32 feet, respectively, and to waive the requirement to install curb, gutter, sidewalk and sewer along Lien Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The unplatted balance of the SW1/4 SW1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Rommesmo Subdivision, located in the SW1/4 SW1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.43 acres
LOCATION	Northwest of the intersection of Lien Street and Deadwood Avenue
EXISTING ZONING	Heavy Industrial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Light Industrial District
East:	Light Industrial District
West:	Heavy Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/31/2009

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ITEM 26

REVIEWED BY

Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that **the Planning Commission acknowledge the applicant's request to withdraw the Variance to the Subdivision Regulations.**

GENERAL COMMENTS:

(Update, September 12, 2009. All revised and/or added text is shown in bold print.) This item was continued at the September 10, 2009 Planning Commission meeting to allow the applicant to submit additional information. On September 11, 2009, the applicant withdrew the Variance to the Subdivision Regulations application. As such, staff recommends that the Planning Commission acknowledge the applicant's withdrawal of the request for a Variance to the Subdivision Regulations.

The applicant has submitted a Variance to the Subdivision Regulations to reduce the pavement width from 40 feet to 28 and 32 feet, respectively, and to waive the requirement to install curb, gutter, sidewalk and sewer along Lien Street as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #09SV050) to create a 2.43 acre lot leaving an unplatted non-transferable balance.

The property is located approximately 800 feet west of the intersection of Deadwood Avenue and Lien Street on the north side of Lien Street. Currently, Dakota Steel, an industrial steel production business, is located west of the proposed lot on the unplatted balance.

STAFF REVIEW:

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

Lien Street: Lien Street is located along the south lot line of the subject property and is classified as a minor 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, Lien Street is located in an H Lot and an adjoining section line highway and constructed with an approximate 28 foot to 32 foot wide paved surface, water and street light conduit. Curb and gutter have been constructed along the eastern 150 feet of Lien Street as it abuts the property.

Requiring that 8 to 12 feet of additional pavement be constructed along Lien Street as it abuts the property will create a discontinuous street section. In the past, the Planning Commission and the City Council have granted similar requests when the improvement would create 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 28

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ITEM 26

feet and 32 feet, respectively, be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvement.

As previously indicated, curb and gutter currently exist along the eastern 150 feet of Lien Street as it abuts the property. Requiring that it be extended along the balance of the lot line will result in a continuous street design. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter be denied.

In the past, sidewalks were not required along streets within Industrial Districts. As such, sidewalks do not currently exist along Lien Street. However, the City Council has recently adopted an Ordinance requiring that sidewalks be provided in all districts, including Industrial Districts. The goal is to secure a safe pedestrian walkway along all streets avoiding conflict between pedestrians and particularly the truck traffic in industrial areas. Providing a sidewalk on the north side of the street as it abuts the property would provide a pedestrian walkway. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along Lien Street be approved with the stipulation that the applicant provide a sidewalk along the north side of the street.

The applicant is proposing to extend a sewer service line from Deadwood Avenue west approximately 350 feet across an adjacent property to serve the proposed lot. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install a sewer main from Deadwood Avenue along Lien Street in accordance with the adopted City's standards. The applicant has requested that the Variance be issued due to the fact that the grades on Lien Street require that a lift station be constructed in order to serve the property. However, the City's Master Utility Plan identifies a sewer main being extended west along Lien Street and south which will allow for the sewer to gravity flow. Currently, a sewer main does not exist west of this site to tie into. However, the recently completed Source Water Protection Study recommends the installation of dry sewer mains in accordance with the adopted City Standards rather than approving Variances to waive the requirement to insure connection to a central sewer system once the adjacent properties develop and the dry sewer can be connected to the City's system. As such, staff cannot support the Variance request. In addition, to date, the applicant has not submitted a Master Utility Plan demonstrating how sanitary sewer service will be provided to the balance of the property. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the September 10, 2009 Planning Commission meeting to allow the applicant to submit the additional information and to be heard in conjunction with the associated Preliminary Plat.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the August 27, 2009 Planning Commission meeting if this requirement is not met.

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ITEM 26

Staff recommends that the Planning Commission acknowledge the applicant's withdrawal of the request for a Variance to the Subdivision Regulations.