

STAFF REPORT
September 9, 2004

No. 04SV049 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 25

GENERAL INFORMATION:

PETITIONER	TSP for Rob Poeppel
REQUEST	No. 04SV049 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Balance of the North 1/2 of Block 4 and balance of the South 1/2 of Block 4 and alley right-of-way all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Block 4 of Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.34 Acres
LOCATION	900 East Watertown
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/30/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **October 7, 2004 Planning Commission meeting at the applicant's request.**

GENERAL COMMENTS:

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(This Staff Report has been updated as of August 31, 2004. All revised and/or added text is shown in bold print.) This item was continued at the August 26, 2004 Planning Commission meeting to allow the applicant to review the option of vacating the rights-of-way in lieu of requesting a Variance to the Subdivision Regulations to improve the streets to City street design standards. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along N. Cherry Avenue and E. Madison Street as they abut the above legally described property. In addition, the applicant has submitted a Layout Plat to reconfigure the two properties and to vacate the alley. (See companion item #04PL108.)

The subject property is located in the northeast corner of the N. Cherry Avenue/E. Watertown Street. Currently, a 12,000 square foot industrial building is located on proposed Lot 1 and Lot 2 is void of any structural development.

STAFF REVIEW:

Staff has suggested that the Variance to the Subdivision Regulations to waive the street improvements as identified above be continued in order to review the possibility of vacating the right-of-way. The landowners have concurred in that suggestion. Currently, the two streets are undeveloped as they abut the subject property. As such, it may be more appropriate to vacate the right-of-way in lieu of granting a Variance to the improvements. The applicant will be meeting with the adjacent property owner(s) to review this option. **On August 31, 2004, the applicant's consultant requested that this item be continued to the October 7, 2004 to allow them additional time to review the option of vacating the adjacent rights-of-way.** As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the **October 7, 2004** Planning Commission meeting as requested by the applicant.