

STAFF REPORT
January 27, 2005

No. 04SV078 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 47

GENERAL INFORMATION:

PETITIONER	Britton Engineering and Land Surveying, Inc. for Jim Meier
REQUEST	No. 04SV078 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 2 of Lot C of Golden Eagle Subdivision, Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot A, Lot B and Lot C of Lot 2 of Lot C of Golden Eagle Subdivision, Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.0 acres
LOCATION	Northwest corner of Dyess Avenue and Seger Drive intersection
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	General Commercial District - Light Industrial District (City)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	City water and private sewer
DATE OF APPLICATION	12/29/2004
REVIEWED BY	Renee Catron-Blair / Vicki Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water and sewer on Dyess Avenue and to waive

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the requirement to install curb, gutter, sidewalk, streetlight conduit and sewer on Seger Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk, streetlight conduit, water and sewer on Dyess Avenue and to waive the requirement to install curb, gutter, sidewalk, streetlight conduit and sewer on Seger Drive as they abut the subject property.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water and sewer along Dyess Avenue and to waive the requirement to install curb, gutter, sidewalk, streetlight conduit and sewer along Seger Drive. The applicant has also submitted a Preliminary Plat to combine one lot into three lots. (See companion item #04PL208.)

The subject property is located on the northwest corner of Dyess Avenue and Seger Drive.

STAFF REVIEW:

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

Dyess Avenue: Dyess Avenue is located along the south lot line; Dyess Avenue is classified as a minor arterial street requiring that it be located in a minimum 100 foot wide right-of-way. The plat document must be revised to show 17 feet of additional right-of-way being dedicated. The balance of the required right-of-way will be obtained from adjacent property in the future. Currently, Dyess Avenue is constructed with an approximate 24 foot wide paved surface. Requiring the installation of curb, gutter, sidewalk, streetlight conduit, water and sewer along Dyess Avenue will result in a discontinuous street section. Sidewalks are not required in Light Industrial Districts. Staff recommends that prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval showing the street constructed with curb, gutter, sidewalk, street light conduit and additional pavement or a Variance to the Subdivision Regulations shall be obtained.

Seger Drive: Seger Drive is located along the south lot line; Seger Drive is classified as a minor arterial street requiring that it be located in a minimum 100 foot wide right-of-way. The plat document must be revised to show 17 feet of additional right-of-way being dedicated. The balance of the required right-of-way will be obtained from adjacent property in the future. Currently, Seger Drive is constructed with an approximate 24 foot wide paved surface and water. Requiring the installation of curb, gutter, sidewalk, streetlight conduit and sewer along Seger Drive will result in a discontinuous street section. Sidewalks not required within Light Industrial Districts. Staff recommends prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval showing the street constructed with curb, gutter, sidewalk, street light conduit and additional pavement or a Variance to the Subdivision Regulations shall be obtained.

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Legal Notification Requirement: The receipts from the certified mailings have not been returned as of this writing. Staff will notify the Planning Commission at the January 27, 2005 Planning Commission meeting if this requirement is not met.