

STAFF REPORT  
September 7, 2006

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**No. 06SV052 - Variance to the Subdivision Regulations to waive the requirement to develop the section line roadway; to dedicate additional public right-of-way; and waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, additional pavement and planting screen easement**

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**ITEM 30**

GENERAL INFORMATION:

PETITIONER	D. C. Scott Co. Land Surveyors for IGT
REQUEST	<b>No. 06SV052 - Variance to the Subdivision Regulations to waive the requirement to develop the section line roadway; to dedicate additional public right-of-way; and waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, additional pavement and planting screen easement</b>
EXISTING LEGAL DESCRIPTION	Tract B of Tract 1 of the W1/2 SW1/4, Section 23, and Tract 2 of the SW1/4 NW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2, IGT Subdivision, formerly Tract B of Tract 1 of the W1/2 SW1/4, Section 23, and Tract 2 of the SW1/4 NW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 30.12 acres
LOCATION	West of SD Highway 16 and south of Fox Road
EXISTING ZONING	Business Park District
SURROUNDING ZONING	
North:	General Agriculture District - General Commercial District
South:	Public District - General Commercial District (Planned Commercial Development)
East:	General Commercial District
West:	Park Forest District - Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/11/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to dedicate right-of-way on the west half of the section line highway as per Chapter 16 of the Rapid City Municipal Code be approved;

Staff recommends that the Variance to the Subdivision Regulations to dedicate right-of-way on the east half of the section line highway and to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on the section line highway as per Chapter 16 of the Rapid City Municipal Code be denied;

Staff recommends that the Variance to the Subdivision Regulations to dedicate an additional nine and a half feet of right-of-way and to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on Fox Road as per Chapter 16 of the Rapid City Municipal Code be denied;

Staff recommends that the Variance to the Subdivision Regulations to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on U.S. Highway 16 Service Road as per Chapter 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 for the improvements; and,

Staff recommends that the Variance to the Subdivision Regulations to waive the planting screen easement as per Chapter 16 of the Rapid City Municipal Code be denied without prejudice.

GENERAL COMMENTS:

The applicant has submitted a Subdivision Variance requesting to waive the requirement to develop the section line highway; to dedicate additional public right-of-way; and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, additional pavement and planting screen easement as per Chapter 16 of the Rapid City Municipal Code. A Preliminary Plat (06PL135) has been submitted in conjunction with this Subdivision Variance request.

On July 5, 1994 a Conditional Use Permit was approved with stipulations for the subject property to allow an assembly and warehousing facility.

The property is located south of Fox Road and west of U.S. Highway 16 South. Currently, a business park complex is located on a portion of the subject property.

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

Section Line Highway/Berglund Road: A section line highway is located along the west lot line of the subject property. The portion of the section line highway adjacent to the subject property is classified as an industrial street requiring that the street be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb,

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gutter, street light conduit, water and sewer. The west half of the section line highway is located on adjacent properties under different ownership as the subject property. The Subdivision Regulations state that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted". The section line highway provides access to seven lots west of the subject property. Staff noted that in the past Planning Commission and City Council have supported dedicating only half of a section line highway when the adjacent properties are under different ownership. As such, staff recommends that the Variance to the Subdivision Regulations to dedicate the west half of the right-of-way be approved. Staff recommends that the Variance to the Subdivision Regulations to dedicate the east half of the right-of-way and to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on the section line highway be denied.

Fox Road: Fox Road is located along the north lot line of the subject property and is classified as a commercial/industrial street requiring that the street be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Fox Road is located in a 40 foot wide right-of-way with a portion constructed with approximately 26 feet of paved surface, curb and gutter with the remainder constructed with approximately 20 feet of gravel surface. Staff noted that Fox Road serves existing residences to the west. As such, staff recommends that the Variance to the Subdivision Regulations to dedicate an additional nine and a half feet of right-of-way and to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on Fox Road be denied.

U.S. Highway 16 Service Road: U.S. Highway 16 Service Road is identified as a commercial/industrial street requiring that the street be constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, U.S. Highway 16 Service Road is located in the right-of-way with various widths and constructed with approximately 25 feet of paved surface. Staff noted that constructing U.S. Highway 16 Service Road as a commercial/industrial street would create a discontinuous street section. As such, staff recommends that the Variance to the Subdivision Regulations to waive the improvements of pavement, curb, gutter, streetlight conduit, water and sewer on U.S. Highway 16 Service Road be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for the improvements.

Screen Planting: Staff noted that Section 16.12.190 states that a double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. Since the subdivision is a commercial development no planting screen easement is required. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement be denied without prejudice.