

STAFF REPORT

March 8, 2007

No. 07SV007 - Variance to the Subdivision Regulations to waive the requirement to install sewer along Fountain Plaza Drive north of the intersection of Sophia Court and Fountain Plaza Drive as per Chapter 16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

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| PETITIONER | Sperlich Consulting, Inc. for Robert Scull |
| REQUEST | No. 07SV007 - Variance to the Subdivision Regulations to waive the requirement to install sewer along Fountain Plaza Drive north of the intersection of Sophia Court and Fountain Plaza Drive as per Chapter 16 of the Rapid City Municipal Code |
| EXISTING LEGAL DESCRIPTION | The NE1/4 of the SW1/4 of the SE1/4, and the N1/2 of the SE1/4 of the SW1/4 of the SE1/4, all in Section 27, T2N, R7E, located in the E1/2 of the SW1/4 of the SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots 1 thru 10 of Block 2 of Commerce Park Subdivision, located in the E1/2 of the SW1/4 of the SE1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 13.24 Acres |
| LOCATION | Adjacent to Fountain Plaza Drive between South Plaza Drive and Commerce Road |
| EXISTING ZONING | Light Industrial District |
| SURROUNDING ZONING | |
| North: | Light Industrial District |
| South: | Light Industrial District |
| East: | Light Industrial District |
| West: | Light Industrial District |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 2/9/2007 |
| REVIEWED BY | Vicki L. Fisher / Emily Fisher |

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

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install sewer along Fountain Plaza Drive north of the intersection of Sophia Court and Fountain Plaza Drive 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 assessments for the improvement.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along Fountain Plaza Drive north of the intersection of Sophia Court and Fountain Plaza Drive. In addition, the applicant has submitted a Preliminary Plat application (07PL025) to subdivide the subject property into ten industrial lots.

On December 20, 2004, the City Council approved a Preliminary Plat application (04PL131) to subdivide the subject property into ten industrial lots as proposed on this plat document. However, the previously approved Preliminary Plat has expired. The applicant has subsequently submitted this Preliminary Plat application to subdivide the property into ten industrial lots.

The subject property is located approximately 250 feet south of the intersection of South Plaza Drive and Fountain Plaza Drive on the east side of Fountain Plaza Drive. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Sewer: The construction plans do not show the extension of a sewer main along Fountain Plaza Drive located north of the intersection of Sophia Court and Fountain Plaza Drive. However, staff has noted that the proposed lots located north of Sophia Court will be serviced from the sewer being extended along Sophia Court. In addition, the properties located west of Fountain Plaza Drive and north of the subject property are currently served by on-site septic system(s). A 12 inch sewer main currently bisects the property located west of the subject property and, since this sewer main is at a lower elevation, will sewer the adjacent properties as they develop. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Fountain Plaza Drive as proposed be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessments for the improvement.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 8, 2007 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.