

STAFF REPORT
September 6, 2007

No. 07SV048 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on the rearage road and a variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, water, sewer, street light conduit and sidewalk on Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Moyle Petroleum Company
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Kenneth R. Hamm, Trustee/Moyle Petroleum Company
REQUEST	No. 07SV048 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on the rearage road and a variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, water, sewer, street light conduit and sidewalk on Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The unplatted portion of the NW1/4 SW1/4, less Lot H5 (formerly lots 8 thru 10 of Swander's Addition), Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of South Yard Subdivision, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.14 acres
LOCATION	Southeast of the intersection of South Dakota Highway 79 and Minnesota Street
EXISTING ZONING	Heavy Industrial District
SURROUNDING ZONING	
North:	Heavy Industrial District - General Commercial District
South:	Heavy Industrial District - Light Industrial District
East:	Heavy Industrial District
West:	General Commercial District

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PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/12/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on the rearage road and a variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, water, sewer, street light conduit and sidewalk on Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the September 20, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on the rearage road and a variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, water, sewer, street light conduit and sidewalk on Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Preliminary Plat application to subdivide the subject property into two lots. (See companion item #07PL107)

The property is located in the southeast corner of the intersection of South Highway 79 and Minnesota Street. 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:

Minnesota Street: Minnesota Street is located along the northern lot line of the property. Minnesota Street is identified as a minor arterial street on the City's Major Street Plan. The developer is responsible for constructing an arterial street to a collector street standard. Any expansion of the road beyond a collector street standard is considered over sizing and is not the developer's responsibility. Currently, Minnesota Street is located in an 80 foot wide right-of-way. Approximately the west 285 feet of Minnesota Street is paved with a 30 foot wide surface. The remainder of Minnesota Street is undeveloped and there is no curb and gutter, street light conduit or water currently constructed in Minnesota Street. The applicant is proposing to dedicate an additional ten feet of right-of-way along the south side of Minnesota Street. The applicant has requested a Variance to the Subdivision Regulations to waive the requirements to improve Minnesota Street. Minnesota Street provides access to the properties north and east of the proposed plat and is a minor arterial street on the City's

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Major Street Plan. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, water, sewer, street light conduit and sidewalk on Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code be denied.

Rearage Road: The rearage road runs north and south through the two proposed lots. The rearage road 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, the rearage road is located in an 80 foot wide right-of-way and constructed with approximately 30 feet of paved surface. Minnesota Street provides access to the proposed development and the properties south of the proposed development. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on the rearage road as per Chapter 16.16 of the Rapid City Municipal Code be denied.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, street light conduit and sidewalk on the rearage road and a variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, water, sewer, street light conduit and sidewalk on Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code be continued to the September 20, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.