

STAFF REPORT
September 20, 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 sewer, street light conduit and sidewalk on the Rearage Road be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install water, sewer, street light conduit and sidewalk on Minnesota Street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install water, curb, and gutter along the Rearage Road be approved with the following stipulations:

- 1. Prior to Planning Commission approval, a drainage report demonstrating adequate drainage of the existing street shall be submitted for review and approval;**
- 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,**

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb and gutter along Minnesota Street be approved with the following stipulations:

- 1. Prior to Planning Commission approval, a drainage report demonstrating adequate drainage of the existing street shall be submitted for review and approval;**
- 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.**

GENERAL COMMENTS:

This staff report has been revised as of September 11, 2007. All revised and/or added text is shown in bold print. This item was continued to the September 20, 2007 Planning Commission meeting to allow the applicant to submit the required information. On September 13, 2007 staff met with the applicant to discuss the issues related to the proposed plat. As of September 14, 2007 the required information has not been submitted. 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

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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 Major Street Plan. **As Minnesota Street is an existing paved road, the developer has not generally been required to reconstruct the existing paved road; rather they have been required to sign a waiver of right to protest an assessment project for future improvements. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, and gutter be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements and a drainage report demonstrating adequate drainage of the existing street shall be submitted for review and approval. In addition, sidewalk is not required along an industrial street and sewer is currently installed along Minnesota Street. However, street light conduit can be installed without disturbing the existing paving and utilities. Also, water is needed to serve the unplatted balance of the property and the property to the east. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water, 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

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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. **The Rearage Road provides access to the proposed development and the properties south of the proposed development. As the Rearage Road is an existing paved road, the developer has not generally been required to reconstruct the existing paved road; rather they have been required to sign a waiver of right to protest an assessment project for future improvements. In addition, the surrounding properties are currently served with water from the south and west. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and water be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements and a drainage report demonstrating adequate drainage of the existing street shall be submitted for review and approval. In addition, sidewalk is not required along an industrial street and sewer is currently installed along the Rearage Road. However, street light conduit can be installed without disturbing the existing paving and utilities. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sidewalk along the Rearage Road as per Chapter 16.16 of the Rapid City Municipal Code be denied.**

This item was continued to the September 20, 2007 Planning Commission meeting to allow the applicant to submit the required information. As of September 14, 2007 the required information has not been submitted.