

STAFF REPORT
October 25, 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 pavement along Minnesota Street 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;**

That the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along Minnesota Street 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;**

That the Variance to the Subdivision Regulations to waive the requirement to install water along Minnesota Street 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;**

That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along Minnesota Street 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;**

That the Variance to the Subdivision Regulations to waive the requirement to install sewer and sidewalk along Minnesota Street be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the rearage road 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;**

That the Variance to the Subdivision Regulations to waive the requirement to install water along the rearage road 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;**

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That the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along the rearage road 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,**

That the Variance to the Subdivision Regulations to waive the requirement to install sewer and sidewalk along the rearage road be denied.

GENERAL COMMENTS:

This staff report has been revised as of October 16, 2007. All revised and/or added text is shown in bold print. This item was continued to the October 25, 2007 Planning Commission meeting to allow the applicant to submit the required information. On October 10, 2007 the applicant submitted additional information for review.

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.

Pavement for Minnesota Street: Minnesota Street is an existing 30 foot wide paved road and developer is responsible for constructing an arterial street to a collector street standard. 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 be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Curb and Gutter for Minnesota Street: Minnesota Street is an existing 30 foot wide paved road without curb and gutter. The developer has not generally been required to reconstruct the existing paved road if they can demonstrate adequate drainage of the existing street; 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 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.

On October 10, 2007 the applicant submitted the required drainage information for review and approval demonstrating adequate drainage of the existing street.

Water for Minnesota Street: Minnesota Street is an existing 30 foot wide paved road without water. 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 being served by City water. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Street Light Conduit for Minnesota Street: Minnesota Street is an existing 30 foot wide paved road without street light conduit. 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 street light conduit be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Sewer for Minnesota Street: Sewer is currently constructed in the Minnesota Street right-of-

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way. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied.

Sidewalk for Minnesota Street: Sidewalk is not required along an industrial street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk 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. The rearage road provides access to the proposed development and the properties south of the proposed development

Curb and Gutter for the Rearage Road: The rearage road is an existing 30 foot wide paved road without curb and gutter. The developer has not generally been required to reconstruct the existing paved road if they can demonstrate adequate drainage of the existing street; 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 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.

On October 10, 2007 the applicant submitted the required drainage information for review and approval demonstrating adequate drainage of the existing street.

Water for the Rearage Road: The rearage road is an existing 30 foot wide paved road without water. 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 being served by City water. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Street Light Conduit for the Rearage Road: The rearage road is an existing 30 foot wide paved road without street light conduit. 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 street

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light conduit be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Sewer for the Rearage Road: Sewer is currently constructed in the rearage road right-of-way. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied.

Sidewalk for the Rearage Road: Sidewalk is not required along an industrial street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be denied.

This item was continued to the September 20, 2007 Planning Commission meeting to allow the applicant to submit the required information. On September 25, 2007 the Planning Commission met on site for a field visit. This item was continued to the October 4, 2007 Planning Commission meeting to allow the applicant to submit the required information. **This item was continued to the October 25, 2007 Planning Commission meeting to allow the applicant to submit the required information. On October 10, 2007 the applicant submitted additional information for review.**