

STAFF REPORT
February 7, 2008

No. 07SV053 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 34

GENERAL INFORMATION:

APPLICANT/AGENT	Paul Lindstrom
PROPERTY OWNER	Rand Road Leasing, LLC
REQUEST	No. 07SV053 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 2 of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2A and 2B of Watersedge Subdivision, located in the NE1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.5 acres
LOCATION	1810 Rand Road
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	General Agriculture District
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/20/2007
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

GENERAL COMMENTS: (Update January 29, 2008. All revised text is shown in bold.)

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This item was continued to the February 7, 2008 Planning Commission meeting to allow the applicant to submit the required information. As of January 29, 2008 the required information has not been submitted. Staff would note that this item has been continued numerous times since September 2007 to allow the applicant to submit the additional information. In the January 25, 2008 Staff Report, staff recommended that if the required information was not brought forward prior to the February 7, 2008 Planning Commission Meeting, staff would recommend that this item be denied without prejudice at that time. To date, no additional information has been submitted. As such, staff recommends that the Variance to the Subdivision Regulations be denied without prejudice.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code. The applicant has also submitted a Layout Plat to create two industrial lots between 0.8 acres in size and 1.3 acres in size. The property is located east of Rand Road between North Plaza Drive and South Plaza Drive. (See companion item #07PL122)

STAFF REVIEW:

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

Rand Road: Rand Road is located along the west lot line and is classified as a collector street on the City's Major Street Plan requiring that it be located in a minimum 60 feet wide right-of-way and 24 foot wide paved surface with no on-street parking. Currently, Rand Road is located in a 66 feet wide right-of-way and constructed with an approximate 24 foot wide paved surface, water and sewer. The applicant is requesting a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code. Staff noted that upon submittal of a Preliminary Plat the applicant must submit construction plans for the items not addressed by this variance request or obtain a Variance to the Subdivision Regulations. Staff also noted that requiring the construction of curb, gutter, and sidewalk as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Access and Utility Easement: The Layout Plat identifies a 60 foot wide access easement providing access from Rand Road to the east lot. Staff noted that the proposed access and utility easement shall be designed and built as an industrial street with 59 feet of right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, the access and utility easement is constructed with an approximate 24 foot wide paved surface. The applicant is requesting a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code. Staff noted that upon submittal of a Preliminary Plat the applicant must submit construction plans for the items not addressed by this variance request or obtain a Variance to the Subdivision Regulations. The applicant

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has not submitted any drainage information demonstrating that drainage is being accommodated along the access easement in consideration of waiving curb and gutter. In addition, sidewalk is not required along an industrial street. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter be continued to the October 25, 2007 Planning Commission meeting to allow the applicant to submit information supporting the variance request for curb and gutter and the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

Legal Notification Requirement: The receipts from the certified mailings have been returned.

This item was continued to the October 25, 2007 Planning Commission meeting to allow the applicant to submit the required information. This item was continued to the November 8, 2007 Planning Commission meeting to allow the applicant to submit the required information. This item was continued to the November 21, 2007 Planning Commission meeting to allow the applicant to submit the required information. This item was continued to the December 6, 2007 Planning Commission meeting to allow the applicant to submit the required information. This item was continued to the January 10, 2008 Planning Commission meeting to allow the applicant to submit the required information. This item was continued to the January 24, 2008 Planning Commission meeting to allow the applicant to submit the required information. **This item was continued to the February 7, 2008 Planning Commission meeting to allow the applicant to submit the required information. As of January 29, 2008 the required information has not been submitted. Staff would note that this item has been continued numerous times since September 2007 to allow the applicant to submit the additional information. In the January 25, 2008 Staff Report staff recommended that if the required information was not brought forward prior to the February 7, 2008 Planning Commission Meeting staff would recommend that this item be denied without prejudice at that time. To date no additional information has been submitted. As such, staff recommends that the Variance to the Subdivision Regulations be denied without prejudice.**