

STAFF REPORT

April 7, 2011

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**No. 11SV006 - Variance to the Subdivision Regulations to allow platting half a right-of-way and to waive the requirement to install pavement, curb, gutter, sidewalk, streetlight conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 14**

GENERAL INFORMATION:

|                            |   |
|----------------------------|---|
| APPLICANT                  | Doug Sperlich Sperlich Consulting, Inc.   |
| PROPERTY OWNER             | Century Resources, Inc.   |
| REQUEST                    | <b>No. 11SV006 - Variance to the Subdivision Regulations to allow platting half a right-of-way and to waive the requirement to install pavement, curb, gutter, sidewalk, streetlight conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code</b> |
| EXISTING LEGAL DESCRIPTION | A portion of the NE1/4 of the SW1/4 of Section 32, and a portion of the NW1/4 of the SE1/4 of Section 32 located in the NE1/4 of the SW1/4 and the NW1/4 of the SE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota                         |
| PROPOSED LEGAL DESCRIPTION | Lot 8 of Block 1 of Menard Subdivision  |
| PARCEL ACREAGE             | Approximately 5.802 acres   |
| LOCATION                   | On the south side of East Anamosa Street southeast of the intersection East Anamosa Street and North Creek Drive  |
| EXISTING ZONING            | General Agriculture District  |
| SURROUNDING ZONING         |   |
| North:                     | Light Industrial District (Planned Development Designation)   |
| South:                     | General Commercial District   |
| East:                      | General Agriculture District  |
| West:                      | General Agriculture District  |
| PUBLIC UTILITIES           | City sewer and water  |
| DATE OF APPLICATION        | 3/11/2011   |
| REVIEWED BY                | Vicki L. Fisher / Ted Johnson   |

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### RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow platting half a right-of-way and to waive the requirement to install pavement, curb, gutter, sidewalk, streetlight conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the street improvements.

### GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to allow platting half a right-of-way and to waive the requirement to install pavement, curb, gutter, sidewalk, streetlight conduit, water and sewer for E. Philadelphia Street as it abuts the property. In addition, the applicant has submitted a Layout Plat (File #11PL018) to subdivide the property creating a 5.802 acre lot, leaving an unplatted non-transferable balance.

The property is located west of the southern terminus of E. Anamosa Street. The property is currently void of any structural development.

### STAFF REVIEW:

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

E. Philadelphia Street: East Philadelphia Street is located along the south lot line of the property and is classified as a collector street requiring that it be located within a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to improve this section of East Philadelphia Street and to allow platting half the right-of-way.

Staff has reviewed the request and noted that aligning the right-of-way with existing right-of-way for East Philadelphia Street west of this site requires that the southern 30 foot width of right-of-way be dedicated from the adjacent property. However, the applicant does not own the adjacent property nor is the adjacent property owner developing and/or platting their property at this time. As such, there is no requirement that the adjacent property owner dedicate the southern 30 foot of right-of-way for East Philadelphia Street at this time. The northern 30 foot of right-of-way to be dedicated from the applicant's property does not provide sufficient area to construct the street as identified above. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, streetlight conduit, water and sewer and to allow platting half a right-of-way for E. Philadelphia Street as it abuts the property be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

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Please note that it appears that the existing sewer main located on the applicant's property west of this proposed lot has been designed with the assumption that the entire 60 foot of right-of-way would be dedicated from this property. As such, when the sewer main is extended to the east, it must transition south to insure that it is located in the center of East Philadelphia Street right-of-way in compliance with the Street Design Criteria Manual and Utility Design Standards.

Upon submittal of a Preliminary Plat application, construction plans for East Philadelphia Anamosa Street must be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

Legal Notification Requirement: As of this writing, the white slips and green cards from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 7, 2011 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquiries regarding this proposal.