

STAFF REPORT

June 9, 2011

No. 11SV010 - Variance to the Subdivision Regulations to waive the requirement to construct sewer in Fountain Plaza Drive as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 8

GENERAL INFORMATION:

APPLICANT	Mark E. Avkamp - SBC Archway VII LLC
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	SBC Archway VII LLC
REQUEST	No. 11SV010 - Variance to the Subdivision Regulations to waive the requirement to construct sewer in Fountain Plaza Drive as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 1, 2, 3 and 4 of Block 2 of Commerce Park Subdivision located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1R and Lot 4R of Block 2 of Commerce Park Subdivision
PARCEL ACREAGE	Approximately 4.1 acres
LOCATION	2320, 2340 and 2350 Sophia Court
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	Light Industrial District
East:	Light Industrial District (Planned Industrial Development)
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/13/2011
REVIEWED BY	Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to construct sewer in Fountain Plaza Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved.

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install a sewer main along Fountain Plaza Drive as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #11PL026) to replat four lots into two lots. The lots are to be known as Lot 1R and Lot 4R of Block 2, Commerce Park Subdivision. The applicant has also submitted a Conditional Use Permit (File #11UR012) to allow the construction of a 28,900 square foot community corrections facility to house Immigration and Customs Enforcement (ICE) detainees for the United States Department of Homeland Security on proposed Lot 1R. Lastly, the applicant has submitted a Fence Height Exception (File #11FV004) to allow a 9.5 foot high fence in lieu of a maximum 8 foot high fence in the Light Industrial District and to allow a 9.5 foot high fence in lieu of a maximum 4' high fence in the 25 foot front yard setback along a portion of the community corrections facility.

The property is located in the northeast corner of Sophia Court and Fountain Plaza Drive. 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:

Sewer: Currently, a sanitary sewer main does not exist along Fountain Plaza Drive as it abuts the property. A Variance to the Subdivision Regulations was previously granted to waive the requirement to install a sewer main along this portion of the street when the property was originally platted creating Lots 1 through 4 of Block 2 of Commerce Park Subdivision. Replatting the property as proposed creating Lots 2R and 4R of Block 2 of Commerce Park Subdivision triggers the requirement to install sewer along Fountain Plaza Drive or to obtain a new Variance to the Subdivision Regulations to waive the requirement.

During the review of the previously granted Variance, it was noted that an existing sewer main located in Sophia Court will serve the applicant's property. In addition, the properties located west of Fountain Plaza Drive and north of the property are currently served by on-site septic system(s). A 12 inch sewer main currently bisects the property located west of the subject property and, since this sewer main is at a lower elevation, will sewer the adjacent properties as they develop. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Fountain Plaza Drive as proposed be approved. Please note that the previous Variance to the Subdivision Regulations was approved with the stipulation that a waiver of right to protest any future assessments for the improvement be signed. That document has been signed and recorded at the Register of Deed's Office.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 9, 2011 Planning Commission meeting if this requirement is not met.