

STAFF REPORT
October 6, 2011

No. 11SV016 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along S.D. Highway 79 and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate right-of-way for the east-west collector street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Steve Post - GCC Dacotah, Inc.
AGENT	Renner & Associates, LLC
PROPERTY OWNER	GCC Dacotah, Inc.
REQUEST	No. 11SV016 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along S.D. Highway 79 and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate right-of-way for the east-west collector street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of the SW1/4 of the NW1/4 and a portion of the NW1/4 of the SW1/4 located in Section 28, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract 1 of GCC Subdivision
PARCEL ACREAGE	Approximately 24.689 acres
LOCATION	East of the intersection of Sturgis Road and St. Martins Drive
EXISTING ZONING	Cement Plant per SDCL 11-2-66
SURROUNDING ZONING	
North:	Cement Plant per SDCL 11-2-66
South:	Heavy Industrial District
East:	Cement Plant per SDCL 11-2-66
West:	Low Density Residential District - General Agriculture District
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	9/9/2011

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REVIEWED BY

Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along S.D. Highway 79 and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water along the east-west collector street be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the street improvements along S.D. Highway 79 (Sturgis Road) and the east-west collector street;
2. Prior to City Council approval, an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for an on-site wastewater system shall be submitted for review and approval; and,

That the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way for the east-west collector street be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install water and sewer along S.D. Highway 79 and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate right-of-way for an east-west collector street. In addition, the applicant has submitted a Preliminary Plat (File #11PL049) to create a 24.689 acre lot leaving an unplatted balance.

The applicant has indicated that the property is being replatted as proposed in order to accommodate mortgage requirements.

The property is located east of the intersection of Sturgis Road and St. Martins Drive. Currently, the property is part of a quarry, void of any structural development.

STAFF REVIEW:

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

S.D. Highway 79 (Sturgis Road): S.D. Highway 79 (Sturgis Road) is located along the west lot line of the property and is classified as a principle arterial street on the City's Major Street Plan requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface. Currently, S.D. Highway 79 is located within a minimum 132 foot wide right-of-way and constructed with an approximate 36 foot wide paved surface. Improving the street to City Street Design standards as it abuts

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the property would create a discontinuous street design. In the past the Planning Commission and the City Council have granted similar Variance requests when the street improvements would create a discontinuous street design. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along S. D. Highway 79 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.

East-west Collector Street: The City's adopted Major Street Plan identifies an east-west collector street located along the north lot line of the property. As previously noted, the applicant has requested a Variance to waive the requirement to dedicate the right-of-way and to construct the street to City Street Design Standards. Since platting the property as proposed will not result in an increase in density, staff can support the Variance request to waive the requirement to improve the collector street with a 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessments for the improvements. In consideration of waiving the street improvements, staff recommends that the Variance request to waive the requirement to dedicate the right-of-way for the collector street be denied. Obtaining the right-of-way at the time of platting avoids the potential requirement that the tax payers purchase the right-of-way in the future when the street is needed within this area.

Sewer: Chapter 16.16.050 of the Rapid City Municipal Code states that "sewer collection systems shall be installed in each subdivision within Rapid City and surrounding platting jurisdictions in accordance with City specifications". However, a community sewer system is currently not available to serve the property. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to connect to a community sewer system be approved with the stipulation that an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for an on-site wastewater system be submitted for review and approval to ensure that the soils support a private on-site sewer system.

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 October 6, 2011 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquiries regarding this proposal.