

STAFF REPORT
June 24, 2010

No. 10SV012 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 14

GENERAL INFORMATION:

APPLICANT	RCS Storage, LLC
AGENT	Greg Wierenga for CETEC Engineering Services, Inc.
PROPERTY OWNER	RCS Storage, LLC
REQUEST	No. 10SV012 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 3 and 4 of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 3R of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.672 acres
LOCATION	1718 and 1824 Marlin Drive
EXISTING ZONING	Heavy Industrial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Agriculture District
South:	Heavy Industrial District
East:	Heavy Industrial District (Planned Industrial Development)
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/28/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal

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Code 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.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #10PL036) to combine the two lots into one lot.

On November 21, 2006, a Final Plat (File #06PL173) was approved to create Lots 1 through 7 of Marlin Industrial Park which included this property.

The property is located at the western terminus of Marlin 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:

Elk Vale Road: Elk Vale Road is located along the west lot line of the property and is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Elk Vale Road is located in a 300 foot wide right-of-way and constructed with two north bound 12 foot wide paved lanes and two south bound 12 foot wide paved lanes.

Platting the property as proposed results in a decrease in density from two lots to one lot. In addition, requiring the improvement along Elk Vale Road as it abuts the property will result in a discontinuous street design. Water and sewer mains along Marlin Drive currently provide service to the property. In the past, the Planning Commission and the City Council have supported similar Variance requests when the associated plat resulted in a decrease in density, when the improvement would create a discontinuous street design and when utility services are currently being provided to the property. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road 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 improvement.

The applicant has also submitted an Exception request to waive the requirement to install curb, gutter, street light conduit, and sidewalk along Elk Vale Road as it abuts the property. The Exception request has subsequently been approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

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Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 24, 2010 Planning Commission meeting if this requirement is not met.