

STAFF REPORT

February 8, 2001

No. 01SV001 - Variance to the Subdivision Regulations to waive the requirement for all improvements to the access **ITEM 20**

GENERAL INFORMATION:

PETITIONER	Renner & Sperlich Engineering for Mayer Radio
REQUEST	No. 01SV001 - Variance to the Subdivision Regulations to waive the requirement for all improvements to the access
LEGAL DESCRIPTION	Tract B and easement located in the NE1/4 of the SW1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.5 Acres
LOCATION	Approximately 1/2 mile north of Laurel Heights Subdivision
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Agriculture District (County)
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	None
REPORT BY	Blaise Emerson

RECOMMENDATION: Based on the Planning Commission and City Council's previous action, Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for all improvements to the access be approved with the condition that a Waiver of Right to Protest a Future Assessment Project agreement be entered into for all required public improvements.

GENERAL COMMENTS: Mayer Radio is proposing to locate a communication tower on a 1.5-acre parcel. On January 22, 2001 the Pennington County Board of Commissioners approved a Conditional Use Permit to locate the tower on the subject property. Mayer Radio provides radio service to western South Dakota. The property is located approximately three quarters of a mile west of the terminus of Mall Drive.

A similar request was heard to subdivide a two acre parcel out of a 45 acre parcel just to the south of the subject property in 1999. As part of that request, a Subdivision Variance was granted waiving all the improvement requirements for the access. The applicant has submitted a Subdivision Variance to waive all required improvements. Also, the property is

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currently zoned General Agriculture District by Pennington County. The minimum lot size in the Pennington County General Agriculture District is forty acres. The proposed lot would either have to be rezoned to Suburban Residential District or a lot size variance would need to be obtained from Pennington County. A County Zoning Variance has been submitted to request that the minimum lot size be reduced from 40-acres to 1.5-acres. The Pennington County Board of Adjustments will hear the variance request at their February 6, 2001 meeting.

STAFF REVIEW:

The Planning Commission recommended approval of the previous Subdivision Variance due to the limited amount of traffic associated with a communication tower. The proposed subdivision would be located approximately three quarters of a mile northwest of the western terminus of Mall Drive which is where pavement ends and the remaining portion of the access is gravel and dirt.

If the property was in the City Limits, current policy support using a Waiver of Right to Protest a Future Assessment agreement surety for the required improvement since they are not contiguous to existing road improvements. However, a waiver is not effective until such time as the property is located inside the City Limits. City Council has recently approved a Waiver of Right to Protest a Future Assessment agreement for property outside the City Limits.

Based on the previous action of the Planning Commission and City Council, Staff would recommend approval of the Subdivision Variance with the condition that a Waiver of Right to Protest a Future Assessment Project agreement be entered into for all required public improvements which will provide surety for the required improvements.