

STAFF REPORT

September 5, 2002

No. 02SV035 - Variance to the Subdivision Regulations to waive dry sewer, pavement, curb and gutter, and sidewalk on the private access easement and to waive dry sewer, curb and gutter and sidewalks on Neva Way as required by Chapter 16.16 of the Municipal Code

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GENERAL INFORMATION:

PETITIONER	Davis Engineering, Inc. for Ralph and Kathleen Rice
REQUEST	No. 02SV035 - Variance to the Subdivision Regulations to waive dry sewer, pavement, curb and gutter, and sidewalk on the private access easement and to waive dry sewer, curb and gutter and sidewalks on Neva Way as required by Chapter 16.16 of the Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 9 Rev. and Lot 10 A all located in S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 9 Rev. Revised and Lot 10 A Revised of Vaughn's Subdivision, located in the S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.0 acres
LOCATION	1/2 mile north of the Rushmore Mall and west of 143rd Avenue
EXISTING ZONING	Low Density Residential District (County)
SURROUNDING ZONING	
North:	Low Density Residential District (County)
South:	Suburban Residential District (County)
East:	Low Density Residential District (County)
West:	Low Density Residential District (County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	07/11/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive dry sewer,

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pavement, curb and gutter, and sidewalk on the private access easement and to waive dry sewer, curb and gutter and sidewalks on Neva Way as required by Chapter 16.16 of the Municipal Code be **continued to the October 10, 2002 Planning Commission meeting to be heard in conjunction with an associated Preliminary and Final Plat.**

GENERAL COMMENTS:

This item was continued at the August 22, 2002 Planning Commission meeting to be heard in conjunction with an associated Preliminary and Final Plat. The applicant has requested that the Preliminary and Final Plat be continued to the October 7, 2002 Planning Commission meeting to allow the applicant to review the City's annexation policy with the City Attorney's Office. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the October 7, 2002 Planning Commission meeting to be heard in conjunction with the associated Preliminary and Final Plat. This Staff Report has been revised as of August 28, 2002. No other part of this Staff Report has been revised. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve Neva Way and a shared access easement as identified above. The applicant has also submitted a Preliminary and Final Plat to reconfigure two lots as a companion item. (See associated item #02PL078.)

Currently, a single wide mobile home and a garage are located on existing Lot 10A and a shed and a barn are located on Lot 9A Revised. Replatting the property as proposed will result in the shed and barn being located on proposed Lot 10A Revised. Proposed Lot 9A Revised Revised will then be void of any structural development.

On July 13, 2001, the applicant submitted Preliminary and Final Plat #01PL074 to subdivide the subject property as shown on this plat. On August 20, 2001, the City Council denied without prejudice the Preliminary and Final Plat at the applicant's request.

STAFF REVIEW:

The Variance to the Subdivision Regulations application does not include the request to waive the requirement to install water lines. As such, the applicant's engineer has requested that this item be denied without prejudice to allow the applicant to submit a corrected application without paying additional application fee(s).

Staff is recommending that the Variance to the Subdivision Regulations be denied without prejudice as requested by the applicant's engineer.