

STAFF REPORT
October 21, 2004

No. 04SV057 - Variance to the Subdivision Regulations to waive the requirements to install water and sewer as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 20

GENERAL INFORMATION:

PETITIONER	Garry McKinnon
REQUEST	No. 04SV057 - Variance to the Subdivision Regulations to waive the requirements to install water and sewer as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 1, Lot 2, Lot 3 less Lots A and B, and adjacent vacated alley in Block 14, Green Acres Addition, located in SW1/4 Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 Revised and Lot 2 Revised in Block 14 of Green Acres Addition, located in SW1/4 Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .5 acres
LOCATION	3117 West Rapid Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	09/18/2004
REVIEWED BY	Renee Catron-Blair / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install water on Vale Street and sewer on Vale Street, West Rapid Street and 32nd Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of water on Vale Street and sewer on

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Vale Street, West Rapid Street and 32nd Street.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install water on Vale Street and sanitary sewer on Vale Street, West Rapid Street and 32nd Street as it abuts the subject property. The applicant has also requested that topographical information not be required. The applicant has submitted a related Preliminary Plat to change the existing lot configuration. The proposed subdivision plat would relocate the common boundary of the adjoining lot lines approximately 11 feet to the east. (See companion item #04PL139.)

The subject property is located in west Rapid City on the corner of 32nd Street, West Rapid Street and Vale Street.

STAFF REVIEW:

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

Vale Street: Vale Street is located along the east lot line. Currently, Vale Street is constructed with pavement, curb, gutter, sidewalk and street light conduit as it abuts the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Vale Street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

West Rapid Street & 32nd Street: West Rapid Street is located along the north lot line and 32nd Street is located along the west lot line. Currently, West Rapid Street and 32nd Street is constructed with pavement, curb, gutter, sidewalk, water and street light conduit as it abuts the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along West Rapid Street and 32nd Street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Topographical Information: Staff has received existing utility information from the applicant and is satisfied that adequate information has been submitted to allow the review of the Preliminary Plat application. Additionally, for these reasons, staff is recommending that the subdivision variance to waive the requirement that topographical information for the entire property be approved as no further development is planned for these lots.

Legal Notification Requirement: The receipts from the certified mailings have not been returned as of this writing. Staff will notify the Planning Commission at the October 21, 2004 Planning Commission meeting if this requirement is not met.