

STAFF REPORT
January 26, 2006

No. 05SV091 - Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 53

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Rapid City Columbian Club
REQUEST	No. 05SV091 - Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The west 5 feet of Lot 9, Lots 10 - 16, Lots 25 - 27 and the north 70 feet of Lots 17 - 24 in Block 126 of Original Townsite of Rapid City and vacated alley adjoined thereto, less dedicated alley in Lot 9 and less Lot H-1 of Lot 17 in the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of Knight's of Columbus Subdivision, formerly the west 5 feet of Lot 9, Lots 10 - 16, Lots 25 - 27 and the north 70 feet of Lots 17 - 24 in Block 126 of Original Townsite of Rapid City and vacated alley adjoined thereto, less dedicated alley in Lot 9 and less Lot H-1 of Lot 17 in the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.22 acres
LOCATION	910 Fifth Street
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	Office Commercial District
South:	High Density Residential District
East:	High Density Residential District
West:	High Density Residential District - Public District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/30/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal 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 assessments for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along 5th Street and Columbus Street as they abut the subject property. In addition, the applicant has submitted a Layout Plat to replat the subject property into two lots. (See companion item #05PL254.)

The property is located in the southeast corner of the intersection of 5th Street and Columbus Street. Currently, the Knights of Columbus Recreational Center is located on proposed Lot A and an office building is located on proposed Lot B.

STAFF REVIEW:

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

Sewer: The subject property is currently served by a sewer main located in a previously vacated alley. To date, a sewer main has not been constructed in Columbus Street or 5th Street as they abut the subject property. However, all of the surrounding properties are currently served with sewer mains located in alternate rights-of-way and/or alleys. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to construct sewer as identified be approved with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvement.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 26, 2006 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.