

STAFF REPORT  
January 25, 2007

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**No. 06SV077 - Variance to the Subdivision Regulations to waive the requirement to construct sewer main along Cambell Street to the north property line as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 19**

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting for Jeffrey L. Devine
REQUEST	<b>No. 06SV077 - Variance to the Subdivision Regulations to waive the requirement to construct sewer main along Cambell Street to the north property line as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	A portion of Tract B of the SW1/4 of the SW1/4, less Lot H1 of Tract B, located in the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Devine Subdivision and the balance of Tract B of the SW1/4 of the SW1/4, formerly a portion of Tract B of the SW1/4 of the SW1/4, less Lot H1 of Tract B, located in the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.462 acres
LOCATION	Southeast of the intersection of East Philadelphia Street and Cambell Street
EXISTING ZONING	General Commercial District - Heavy Industrial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	Heavy Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/29/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

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construct sewer main along Cambell Street to the north property line 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 assessment for the improvement.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct sewer main along Cambell Street to the north property line as per Chapter 16.16 of the Rapid City Municipal Code. The applicant has also submitted a Preliminary Plat (06PL183) to subdivide a 4.94 acre parcel into one 1.46 acre lot and leave the remaining 3.48 acres as an unplatted balance.

On July 1, 2002, City Council approved a Layout Plat (02PL034) with stipulations for the subject property.

On November 18, 2002, City Council approved a Preliminary Plat (02PL056) with stipulations for the subject property.

The property is located approximately 385 feet east of the Philadelphia Street and Cambell Street intersection on the south side of Philadelphia Street. The property is "L" shaped and extends west along the southern third of the property to abut with Cambell Street for a distance of 151 feet. Currently, an industrial structure is located on the proposed balance of Tract B and the proposed Lot 1 is currently undeveloped.

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

Cambell Street: Cambell Street is located along the west lot line of proposed Lot 1 and is classified as a principal arterial road on the Major Street Plan. The Street Design Criteria Manual requires a minimum 100 foot right-of-way for a minor arterial road. Currently, Cambell Street has an 80 foot right-of-way width. The applicant has proposed the dedication of ten additional feet of right-of-way along Cambell Street on the Preliminary Plat Document. Staff also noted that sewer service shall be extended along Cambell Street to the north property line or a Variance to the Subdivision Regulations must be obtained waiving the requirement. As previously stated, the applicant has requested a Subdivision Variance to waive the requirement to install sewer main along Cambell Street as per Chapter 16.16 of the Rapid City Municipal Code. The applicant is proposing to connect to the existing sewer main located approximately 170 feet south of the south property line and extend the sewer to the southwest corner of the subject property. The applicant is also proposing to extend the sewer main approximately 340 feet to the east along the south property line to provide service in the future to the balance of Tract B. The proposed sewer extension will provide sewer service to the subject property and all adjacent properties are currently served by City sewer. Development to the east will be served in the future by the sewer main that will be constructed in Creek Drive. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer service to the north

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property line be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.