

STAFF REPORT

April 5, 2007

No. 07SV017 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers for Michael Leiby
REQUEST	No. 07SV017 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 16 of Block 4 of Eastern Acres Subdivision, located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 16A and 16B of Block 4 of Eastern Acres Subdivision, located in Section 11, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.98 acres
LOCATION	5870 Mercury Drive
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	3/9/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the improvements of water and sewer as per Chapter 16.16 of the Rapid City Municipal Code be denied; and,
That the Variance to the Subdivision Regulations to waive the improvements of pavement,

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curb, gutter, streetlight conduit, and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. A minimum 20 foot wide paved surface shall be provided along Mercury Drive as it abuts the subject property; and,
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, pavement, water and sewer on Mercury Drive adjacent to the subject property. In addition, the applicant has a Layout Plat to subdivide Lot 16, Block 4, Eastern Acres Subdivision to create two 0.5 acre lots. (See companion item #07PL044.)

The subject property is zoned Suburban Residential District in Pennington County and is located north of Mercury Drive and east of Reservoir Road. Currently, a single-family residence is located on the subject property.

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

Pavement: Mercury Drive is located along the south lot line of the subject property and is classified as a subcollector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Mercury Drive is located in a 50 foot wide right-of-way with a portion constructed with approximately 20 feet of paved surface with the remainder constructed with approximately 20 feet of gravel surface.

Mercury Drive is currently a 20 foot wide paved surface to the western edge of the subject property. Providing the required 27 foot paved surface would create a discontinuous street section but the existing gravel surface should be replaced with a minimum 20 foot wide paved surface to match the existing street to the west. As such, staff is recommending that the Variance to the Subdivision Regulations to waive requirement to install pavement be approved with the stipulations that a minimum 20 foot wide paved surface shall be provided and that the applicant shall sign a waiver of right to protest any future assessment for the improvements.

Curb and Gutter: Staff noted that curb and gutter is not currently constructed along Mercury Drive and installing curb and gutter would create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive curb and gutter be approved with the stipulation that the applicant shall sign a waiver of right to protest any future assessment for the improvements.

Street Light Conduit: Staff noted that street light conduit is not currently installed along Mercury

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Drive and this would be a discontinuous section of street light conduit. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be approved with the stipulation that the applicant shall sign a waiver of right to protest any future assessment for the improvements.

Sidewalk: Staff noted that sidewalk is not currently constructed along Mercury Drive and installing sidewalk would create a discontinuous section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive sidewalk be approved with the stipulation that the applicant shall sign a waiver of right to protest any future assessment for the improvements.

Sewer: Staff noted that an eight inch sewer main is currently constructed to the west edge of the subject property. Sewer collection systems shall be installed in each subdivision within Rapid City and surrounding platting jurisdiction in accordance with City specifications and any subdivision located within 500 feet of a central sewer system shall be required to hook up to that system. In addition, the applicant has not identified an alternative sewer system. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied.

Water: The applicant indicated that the existing residence is connected to the Rapid Valley Sanitary District water system. Staff noted that water mains and service lines shall be installed to prevent future cutting of pavement. In addition, the applicant has not identified an alternative water system. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water be denied.

Legal Notification Requirement: As of this writing the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 5, 2007 Planning Commission meeting if the notification requirement has not been met.