

STAFF REPORT
March 27, 2008

No. 08SV003 - Variance to the Subdivision Regulations to waive the ITEM 30 requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code

GENERAL INFORMATION:

APPLICANT	Merlin Stromer
AGENT	Ron Davis for Davis Engineering, Inc.
PROPERTY OWNER	Merlin Stromer
REQUEST	No. 08SV003 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot B of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots B1 and B2 of Bar P-S Subdivision, located in the SW1/4 Section 20, T1N, R9E, and the N1/2 of the NW1/4, Section 29, T1N, R9E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 50.55 acres
LOCATION	At the northeast corner of the intersection of S.D. Highway 44 and Airport Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District - General Commercial District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Low Density Residential District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	1/25/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be **denied without prejudice at the applicant's request.**

GENERAL COMMENTS:

(Update, March 15, 2008. All revised and/or added text is shown in bold print.) This item was continued at the March 6, 2008 Planning Commission meeting to allow the applicant to submit additional information. On March 13, 2008, the Development Appeals and Review Board recommended approval of a request to allow a shared approach along S.D. Highway 44, the higher order street. Subsequently, on March 17, 2008, the City Council approved the request to allow a shared approach along S. D. Highway 44. In addition, the City Council continued this item to their April 7, 2008 City Council meeting.

On March 13, 2008, the applicant requested that the Variance to the Subdivision Regulations and the associated Preliminary Plat be denied without prejudice. As such, staff is recommending that this item be denied without prejudice as requested.

(Update, February 22, 2008. All revised and/or added text is shown in bold print.) This item was continued at the February 21, 2008 Planning Commission meeting to allow the applicant to submit additional information. In particular, an on-site water plan prepared by a Professional Engineer demonstrating that adequate fire and commercial flows are being provided must be submitted for review and approval. In addition, an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. A Master Utility Plan showing private and public utilities must also be submitted for review and approval.

To date, the applicant has not submitted the information as previously requested. As such, staff is recommending that this item be continued to the March 27, 2008 Planning Commission meeting to allow the applicant to submit the information.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Aviation Road, to install curb, gutter, sidewalk, street light conduit, water and sewer along Airport Road and to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along S.D. Highway 44 as they abut the property. In addition, the applicant has submitted a Preliminary Plat (File #08PL007) to subdivide one lot into two lots.

The property is located in the northeast corner of the intersection of S.D. Highway 44 and Airport Road. Currently, the property is void of any structural development.

STAFF REVIEW:

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

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Subdivision Improvements: The applicant has indicated that the property will be served by a well. To date, an on-site water plan prepared by a Professional Engineer demonstrating that adequate fire and domestic flows are being provided has not been submitted for review and approval. The applicant has also indicated that the property will be served by a private on-site wastewater system. To date, an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems has not been submitted for review and approval. In addition, a Master Utility Plan has not been submitted for review and approval to determine if water and sewer main(s) are needed in the adjacent rights-of-way to serve the area now or in the future.

Staff is recommending that the Variance to the Subdivision Regulations be continued to the March 6, 2008 Planning Commission meeting to allow the applicant to submit the additional information as identified in order for staff to adequately review the Variance request(s).

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has not received any calls or inquires regarding this proposal.