

STAFF REPORT  
November 20, 2008

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**No. 08SV052 - Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Hacienda Street as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 49**

GENERAL INFORMATION:

APPLICANT	Lyle Bromwich
AGENT	Jerry Wendland for Angle Surveys
PROPERTY OWNER	Multiple Property Owners
REQUEST	<b>No. 08SV052 - Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Hacienda Street as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lots 1, 2, 4, 5, 6, 7, 9, 12, 13, 16, 17, 18, 19, 20, 21 and Lot 4a of Block 4 of H&H Estates Subdivision, all located in the NW1/4 SE1/4 and NE1/4 SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1R, 2R, 4R, 5R, 6R, 7R, 9R, 12R, 13R, 16R, 17R, 18R, 19R, 20R, 21R and Lot 4a of Block 4 of H&H Estates Subdivision, all located in the NW1/4 SE1/4 and NE1/4 SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.308 acres
LOCATION	Northeast of the Intersection of Hacienda Street and Williams Street and west of Plateau Lane
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Planned Unit Development (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	9/26/2008
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 sewer along a portion of Hacienda Street 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:

**(Update, November 7, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. Staff is recommending that this item be approved with the stipulation of approval as noted above.**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Hacienda Street as it abuts the property.

On September 26, 2008, the applicant has submitted an associated Preliminary Plat to replat the 16 lots, into 15 lots. In particular, the Preliminary Plat proposes to eliminate Lot 4A of Block 4 by incorporating portions of it into 15 existing residential lots lying adjacent to Lot 4A. Lot 4A was originally platted as a "public use area" lying at the rear of the 15 residential lots. Recently, Lot 4A was purchased by one of the adjacent property owners with the intent to incorporate the area into the adjacent lots. On October 23, 2008 the Planning Commission recommended approval of the Preliminary Plat. A stipulation of approval requires that prior to City Council approval, construction plans showing the extension of a sewer main along Hacienda Street to the northeast corner of the property be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. The City Council will consider the Preliminary Plat at their November 3, 2008 City Council meeting.

On August 16, 2008, the City Council approved a Layout Plat to replat 17 lots into 15 lots. The Layout Plat included the 16 lots as shown on this Preliminary Plat and one additional lot. However the property owner of Lot 8 has decided they no longer want to participate in the replat. As such, the Preliminary Plat has been revised to eliminate the inclusion of Lot 8.

The property is located northeast of the intersection of Hacienda Street and Williams Street. Currently, a single family residence and accessory structures are located on each of the 15 residential lots. Lot 4A 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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Sewer: Currently, a sewer main is located within all of the adjacent street rights-of-way with the exception of approximately 20 feet along Hacienda Street. Rapid Valley Sanitary District staff has stated that due to the existing sanitary sewer layout within this area, an additional sewer main along this section of Hacienda Street is not needed. All of the surrounding properties are currently served with sewer. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along this portion of Hacienda Street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

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 November 6, 2008 Planning Commission meeting if this requirement is not met. **City staff is mailing new legal notification letters to the surrounding property owners as required notifying them of the change in hearing date. As of this writing, staff has not received any calls of inquiry regarding this item.**