

STAFF REPORT
November 19, 2009

No. 09SV022 - Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 19

GENERAL INFORMATION:

APPLICANT	Terry Stocker
PROPERTY OWNER	Charles & Patricia Mordhorst
REQUEST	No. 09SV022 - 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 south 40 feet of Lots 15 and 16, the north 25 feet of the south 65 feet of Lots 15 and 16 and the balance of Lots 15 and 16 in Block 113 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot D in Block 113 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.1808 acres
LOCATION	810 Mount Rushmore Road
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/6/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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:

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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 install a sewer main along Mount Rushmore Road and Quincy Street as they abut the property. In addition, the applicant has submitted a Preliminary Plat (File #09PL070) to combine the three existing lots into one 0.1808 acre lot.

The property is located in the southeast corner of the intersection of Mount Rushmore Road and Quincy Street. Currently, an eye care facility known as "Independent Optical" is located on the property.

STAFF REVIEW:

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

Sewer: Currently, a City sewer main extends along the alley as it abuts the south lot line of the property and extends south along Mount Rushmore Road. A separate sewer main is also located along Kansas City Street. The sewer main located in the adjacent alley currently serves the property. To date, a sewer main does not exist along Mount Rushmore Road or Quincy Street as they abut the property. However, all of the surrounding properties are currently served by the existing sewer system that extends through this area. In addition, the City's Master Utility Plan does not identify a sewer main along this portion of the two streets. In the past, the Planning Commission and the City Council have granted similar Variances to waive the requirement to extend sewer as per the City's Design Standards when it is determined that it is not needed with the stipulation that a waiver of right to protest any future assessment for the improvement be signed by the applicant. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 19, 2009 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.