

STAFF REPORT
February 4, 2010

No. 10SV001 - Variance to the Subdivision Regulations to waive the requirement to install sanitary sewer along St. Joseph Street and Fifth Street and to reduce the right-of-way width for St. Joseph Street from 100 feet to 98 feet as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 10SV001 - Variance to the Subdivision Regulations to waive the requirement to install sanitary sewer along St. Joseph Street and Fifth Street and to reduce the right-of-way width for St. Joseph Street from 100 feet to 98 feet as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 1 thru 16 of Block 95 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract A of Block 95 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.287 acres
LOCATION	South of St. Joseph Street between Fifth Street and Sixth Street
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	1/8/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sanitary sewer along St. Joseph Street and Fifth Street and to reduce the right-of-way width for St. Joseph Street from 100 feet to 98 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations (File #10SV001) to waive the requirement to reduce the right-of-way width for St. Joseph Street from 100 feet to 98 feet and to waive the requirement to install sanitary sewer along St. Joseph Street and Fifth Street as they abut the property. In addition, the applicant has submitted a Preliminary Plat (File #10PL002) to replat the property, which is currently 16 lots, into one commercial lot.

The property is located south of St. Joseph Street between Fifth Street and Sixth Street. Currently, a parking lot is constructed on the property.

STAFF REVIEW:

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

Sewer: As previously indicated, the property is located south of St. Joseph Street between Fifth Street and Sixth Street. In addition, a 20 foot wide alley is located along the south lot line of the property. All of the adjacent streets and the alley are constructed to City Street Design Standards with the exception of a sanitary sewer main along St. Joseph Street and Fifth Street. Sewer is currently located along Sixth Street. In addition, an eight inch sanitary sewer main is located along the alley and serves the properties within this area. Since sanitary sewer is not needed along St. Joseph Street and Fifth Street to serve any properties within this area and since the City's Master Utility Plan does not identify a sanitary sewer main along this portion of St. Joseph Street and Fifth Street, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer be approved. Typically, staff would recommend that Variance to the Subdivision Regulations would be granted with the stipulation that a waiver of right to protest any future assessment for the sewer be signed. However, the property is owned by the City of Rapid City and a government agency cannot be assessed for public improvements. As such, a waiver of right to protest an assessment project would not serve any purpose in this situation.

Right-of-way: St. Joseph Street is classified as a principal arterial street on the City's Major Street Plan requiring a minimum 100 foot wide right-of-way. The street is currently located within a 100 foot wide right-of-way with the exception of the western 100 feet of the street as it abuts the property. This portion of the street is currently located in a 98 foot wide right-of-way. Two foot of the right-of-way was previously vacated along the north side of the street for an existing structural encroachment. Requiring that any additional right-of-way be

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dedicated from this property, which is located along the south side of St. Joseph Street, would result in a discontinuous right-of-way section. The additional right-of-way would need to come from the north side of the road. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way for St. Joseph Street be approved.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the February 4, 2010 Planning Commission meeting if the legal notification requirements have not been met.