

STAFF REPORT

November 9, 2000

**SVAR #00SV023 - Variance to the Subdivision
Regulations to waive the requirement for sidewalk,
curb, gutter, street lights and dry sewer**

ITEM 9

GENERAL INFORMATION:

PETITIONER	Fisk Engineering for Donna V. Spitzer
REQUEST	SVAR #00SV023 - Variance to the Subdivision Regulations to waive the requirement for sidewalk, curb, gutter, street lights and dry sewer
LEGAL DESCRIPTION	Lots 13A and 13B of Lot 13 in Block 4 of Green Valley Estates, formerly all of Lot 13 in Block 4 of Green Valley Estates, located in the SE1/4 and S1/2 NE1/4 of Section 23, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.703 Acres
LOCATION	East of the intersection of Greenwood Lane and Green Drive on the south side of Green Drive
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Suburban Residential District (County)
East:	Suburban Residential District (County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	Shared Well Septic System
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for sidewalk, curb, gutter, street lights and dry sewer be approved with the stipulation that a Waiver of Right to Protest Agreement regarding future assessed projects is entered into between the petitioner and the City prior to Final Plat approval by the City Council.

GENERAL COMMENTS: **This Staff Report has been revised as of October 31, 2000. New or revised text is shown in bold print. This application was first considered by the Planning Commission on October 5, 2000 but was continued at that time at the request of the petitioner.** This Subdivision Variance request is the companion item to the Preliminary and Final Plat that has been submitted for this property (see related Staff Report). The plat

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proposes to divide an existing platted lot in Green Valley Estates. The current lot is just over one acre in size and has one mobile home located upon it. A similar Layout Plat request was submitted for this property in 1999 but at that time there were two mobile homes on the lot which was in violation of the Pennington County Zoning Ordinance. The western-most of the two mobile homes has now been removed. The drainfield serving the existing mobile home on proposed Lot 13B will be located on proposed Lot 13B. The water to serve that mobile home is supplied with water from a shared well located on Lot 14 to the west. As mentioned, the mobile home on proposed Lot 13A has been removed. The drainfield to serve proposed Lot 13A is located on proposed Lot 13A. Proposed Lot 13A also receives its water from the shared well on Lot 14.

STAFF REVIEW: One of the conditions of the Preliminary and Final Plat is that all subdivision improvements including curb and gutter, sidewalks, dry sewer and street lights be installed where the subject property abuts Green Drive. Green Drive, as the other surrounding roads, is currently a paved roadway but lacking these other improvements. A Waiver of Right to Protest Agreement would serve a limited purpose as it is located outside the City limits where assessment projects are not allowed by State Law. However, long-term it is likely that this development will be located inside the Rapid City corporate limits. For that reason, Staff is recommending that this Subdivision Variance be approved with the stipulation that the owner sign a Waiver of Right to Protest agreement for all of the identified improvements.

The receipts from the certified mailing have been returned. Staff has received three telephone inquiries regarding the Subdivision Variance request but none of the callers were in opposition to the request or the plat.