

STAFF REPORT
September 4, 2008

No. 08SV041 - Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 19

GENERAL INFORMATION:

APPLICANT/AGENT	Black Hills Habitat for Humanity
PROPERTY OWNER	David Kahler
REQUEST	No. 08SV041 - Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Block 73, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Block 73A and 73C of Mahoney Addition, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.51 acres
LOCATION	1323 Midway Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/9/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **October 9, 2008** Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL102)

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GENERAL COMMENTS: (Update: August 22, 2008. All revised and/or added text is shown in bold). This item was continued to the September 4, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL102). To date the applicant has not submitted the required information or obtained a Variance from the Zoning Board of Adjustment for the associated Preliminary Plat. As such, staff recommends that this item be continued to the October 9, 2008 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code. The applicant has also submitted a Preliminary Plat to subdivide the property into three parcels. (See companion item #08PL102.)

The property is located southwest of the intersection of Doolittle Street and Midway Street. Currently, a single family residence and accessory structures are located on the property.

STAFF REVIEW:

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

Doolittle Street: Doolittle Street is identified as a sub-collector street and must be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, Doolittle Street is constructed with a 24 foot wide paved surface, curb, gutter, street light conduit and water. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code along Doolittle Street. As Doolittle Street is an existing paved road, the developer has not generally been required to reconstruct the existing paved road; rather they have been required to sign a waiver of right to protest an assessment project for future improvements. In addition, the applicant has demonstrated that the existing and proposed lots all have access to the existing sewer mains in Doolittle Street and Midway Street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Midway Street: Midway Street is identified as a sub-collector street and must be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. Currently, Midway Street is constructed with a 24 foot wide paved surface, curb, gutter, street light conduit, sewer and water. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code along Midway Street. As Midway Street is an existing paved road, the developer has not generally been required to reconstruct the existing paved road;

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rather they have been required to sign a waiver of right to protest an assessment project for future improvements. In addition, sewer currently exists along Midway Street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install additional pavement be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements and staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Midway Street be denied without prejudice.