

STAFF REPORT
November 6, 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 21

GENERAL INFORMATION:

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| 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 **November 20, 2008** Planning Commission meeting.

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GENERAL COMMENTS: (Update: October 27, 2008. All revised and/or added text is shown in bold). This item was continued to the November 6, 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 November 20, 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.