

STAFF REPORT  
November 20, 2008

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**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**

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**ITEM 45**

GENERAL INFORMATION:

APPLICANT/AGENT	Black Hills Area Habitat for Humanity
PROPERTY OWNER	David Kahler
REQUEST	<b>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</b>
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 approved with the following stipulation:**

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.**

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**GENERAL COMMENTS: (Update, November 12, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. On November 3, 2008 the applicant submitted additional information for water, sewer, building locations, and lot configuration for the associated Preliminary Plat (#08PL102). As such, staff is recommending that this item be approved with the stipulations of approval as noted above.**

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; 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

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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.