

STAFF REPORT  
December 9, 2010

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**No. 10SV025 - Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Shelby Avenue as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 16**

GENERAL INFORMATION:

APPLICANT	Lazy P-6 Land Co., Inc.
AGENT	Centerline, Inc.
PROPERTY OWNER	Lazy P-6 Land Co., Inc.
REQUEST	<b>No. 10SV025 - Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Shelby Avenue as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Unplatted Government Lot 1 less Gemstone Subdivision, less Lot H-1 and less right-of-way; Government Lot 2 less North 80 Subdivision, less Lot H2 and less right-of-way, all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 3 of North 80 Subdivision and dedicated public right-of-way, all located in Section 19, T1N, R8E
PARCEL ACREAGE	Approximately 3.711 Acres
LOCATION	East of 5th Street at the current eastern terminus of East Stumer Road
EXISTING ZONING	Medium Density Residential District / Office Commercial District / Office Commercial District (Planned Commercial Development) / General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development) / Low Density Residential II District
South:	General Commercial District / Pennington County
East:	General Agriculture District
West:	General Commercial District (Planned Commercial Development) / Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water

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**ITEM 16**

DATE OF APPLICATION                      11/30/2010  
REVIEWED BY                                Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Shelby Avenue as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Shelby Avenue. In addition, the applicant has submitted a Preliminary Plat (File #10PI088) to create a 1.6968 acre lot and to dedicate right-of-way for E. Stumer Road and Shelby Avenue. The lot is to be known as Lot 3 of North 80 Subdivision.

On October 5, 2006, the Planning Commission approved a SDCL 11-6-19 Review (File #06SR064) to construct portions Shelby Avenue and E. Stumer Road. To date, the southern 818 feet of Shelby Lane and the eastern 683 feet of Stumer Road have not been constructed. The applicant has included the dedication of right-of-way and submitted construction plans for this portion of E. Stumer Road and Shelby Avenue as a part of this Preliminary Plat application.

The property is located at the eastern terminus of E. Stumer Road and is currently void of any structural development.

STAFF REVIEW:

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

Shelby Avenue: Shelby Avenue is classified as a sub-collector street requiring that it be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The construction plans identify Shelby Avenue located within a 52 foot wide right-of-way and constructed with a 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along the northern portion of the street. As noted above, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct a sewer main along the southern portion of the street.

The applicant has demonstrated that all of the adjacent properties will be provided with sewer service without the extension of a sewer main along this portion of Shelby Avenue. In addition, the City's Master Utility Plan does not identify a sewer main along this portion of

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the street. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide sewer along the entire street be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: The white slips from the certified mailings have been returned. As of this writing, the green cards have not been returned. Staff will notify the Planning Commission at the December 9, 2010 Planning Commission meeting if this requirement is not met. Staff has not received two calls of inquiry regarding this proposal.