

STAFF REPORT
January 26, 2012

No. 11SV023 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 7

GENERAL INFORMATION:

APPLICANT	Lazy P-6 Land Co., Inc.
AGENT	Lawrence M. Kostaneski, PE for Centerline, Inc.
PROPERTY OWNER	Lazy P-6 Land Co, Inc. - Orvil Davis
REQUEST	No. 11SV023 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Unplatted 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	Lots 4 and 5 of North 80 Subdivision
PARCEL ACREAGE	Approximately 14 acres
LOCATION	East of 5th Street lying south of East Stumer Road and on the north side of East Stumer Road west of Shelby Avenue
EXISTING ZONING	Office Commercial District - General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	General Commercial District (Pennington County)
East:	General Agriculture District
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/29/2011
REVIEWED BY	Vicki L. Fisher / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

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install water and sewer along Catron Boulevard 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 assessments for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Catron Boulevard as it abuts the property. The applicant has submitted a Preliminary Plat (File #11PL075) to subdivide the property creating two lots as a part of the North 80 Subdivision.

On January 12, 2012, an Exception request (File #12EX005) to waive the requirement to install curb, gutter, sidewalk and street light conduit along Catron Boulevard as it abuts the property was approved.

The property is located east of Fifth Street south of East Stumer Road and on the north side of East Stumer Road west of Shelby Avenue. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Sewer: The City's Utility System Master Plan does not identify a future sanitary sewer extension or improvement along this portion of Catron Boulevard. In addition, sewer currently exists along Fifth Street, East Stumer Road and Catron Boulevard, east of the property, to serve the applicant's property and surrounding properties. As such, a sewer main is not needed within this portion of Catron Boulevard. Based on these reasons, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Catron Boulevard be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvement.

The applicant should be aware that upon submittal of a Planned Commercial Development application, sanitary sewer flow analysis for Lots 4 and 5 must be submitted demonstrating that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity.

Water: The City's Utility System Master Plan identifies a 12 inch water main along Catron Boulevard to accommodate growth in the southeast portion of the City. However, the 12 inch water main located within East Stumer Road parallels the identified main in Catron Boulevard and can serve as the water connection to the southeast portion of the City in lieu of a main in Catron Boulevard. Future development of the North 80 Subdivision located east of proposed Lot 5 will require that a water main be extended south from Stumer Road to Catron Boulevard. On January 17, 2012, staff met with the applicant and his consultant

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to discuss deferring the water connection from East Stumer Road to Catron Boulevard as a part of the platting of future Lot 6, located directly east of proposed Lot 5. In addition, the applicant has submitted a separate Preliminary Plat application to create Lot 6 which will allow staff to continue to work with the applicant to determine the exact location of this water main connection. Based on these reasons, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water along Catron Boulevard be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvement.

The applicant should be aware that upon submittal of a Planned Commercial Development a water use or a demand analysis for Lots 4 and 5 must be submitted demonstrating that the water service is adequate to meet estimated domestic flows and required fire flows.

Legal Notification Requirement: The white slips from the certified mailings have been returned to the City. As of this writing, the green cards from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 26, 2012 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquiries regarding this proposal.