

STAFF REPORT

December 4, 2003

No. 03SV043 - Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 24

GENERAL INFORMATION:

PETITIONER	Precision Surveying for Vernell Erickson
REQUEST	No. 03SV043 - Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 3 and the east 10 feet of Lot 4; the west 95 feet of Lot 4; Lot 5; all located in Block 6 of Radio Towers Addition, located in the SE1/4 of SE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 3R and Lot 5R in Block 6 of Radio Towers Addition, located in the SE1/4 of SE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .90 acres
LOCATION	At the intersection of Cherry Avenue and East Franklin Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/07/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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

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Engineering Division Recommendation:

1. Prior to City Council approval, 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 a sewer main along E. Franklin Street as it abuts the subject property. In addition, the applicant has submitted a Preliminary and Final Plat to combine three lots into two lots to be known as Lots 3R and 5R of the Radio Towers Subdivision. (See companion item #03PL108.)

The property is located in the southeast corner of the Cherry Avenue/E. Franklin Street intersection. Currently, a single family residence is located on proposed Lot 5R; and a single family residence and a detached garage are located on proposed Lot 3R.

STAFF REVIEW:

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

Sewer: Currently, sewer service line(s) extend along E. Franklin Street and serve the two existing residences. The Subdivision Regulations require that a sewer main be extended along E. Franklin Street to serve the residences in lieu of sewer service lines. Currently, all of the residences within this area are served by sewer service line(s). The Engineering Division has indicated that as some point, a sewer main must be extended to serve the entire neighborhood. Since the applicant is proposing to combine three lots into two lots, precluding a third residence from being constructed and that this is a neighborhood issue that should be resolved as a part of one large project, staff is recommending that the Variance to the Subdivision Regulations be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the extension of sewer mains to serve the area.

Notification Requirement: As of this writing, the receipts for the certified mailing requirement have not been returned. Staff will notify the Planning Commission at the December 4, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.