

STAFF REPORT

June 6, 2002

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**No. 02SV025 - Variance to the Subdivision Regulations to waive the requirement of Chapter 16.16 of the Municipal Code requiring curb, gutter, water and sidewalk along Cliff Drive**

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**ITEM 48**

GENERAL INFORMATION:

PETITIONER	Doug Sperlich for Dean Kelly Construction
REQUEST	<b>No. 02SV025 - Variance to the Subdivision Regulations to waive the requirement of Chapter 16.16 of the Municipal Code requiring curb, gutter, water and sidewalk along Cliff Drive</b>
EXISTING LEGAL DESCRIPTION	Lot 3 of Block 15 of Canyon Lake Heights Subdivision and a portion of the SE1/4 of the SE1/4 of Section 8, located in the SE1/4 of the SE1/4 of Section 8 and in the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A, B, C, & D of Lot 3 of Block 15, Canyon Lake Heights Subdivision, located in the SE1/4 of the SE1/4 of Section 8 and in the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.246 acres
LOCATION	South of the intersection of Cliff Drive and Miracle Place
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Park Forest w/PRD
PUBLIC UTILITIES	City sewer and private water
DATE OF APPLICATION	05/07/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement of Chapter 16.16 of the Municipal Code requiring curb, gutter, water and sidewalk along Cliff Drive 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 installation of curb, gutter and sidewalk along Cliff Drive;

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water and sidewalk along Cliff Drive. On June 6, 2002 the City Council approved Layout Plat #02PL035 to subdivide the subject property into four residential lots.

The property is located in the southwest corner of the Miracle Place/Cliff Drive intersection and is currently void of any structural development.

STAFF REVIEW:

Currently, Cliff Drive is constructed as an approximate 20 foot wide street, with no curb, gutter or sidewalk. The applicant has indicated that City sewer will be extended along Cliff Drive to serve the subject property. City water is currently located approximately a quarter mile northeast of the subject property. The applicant has indicated that an on-site well will be drilled to serve the proposed development. The applicant is also proposing to install a water line along Miracle Drive to be used as a part of the private water system until such time as City water is available to the site.

As previously indicated, curb, gutter and sidewalk are not constructed along Cliff Drive. Granting the Variance to the Subdivision Regulations as proposed will be consistent with the current road design standards of Cliff Drive. In the past, the Planning Commission and the City Council have granted similar variances when the adjacent sections of roadway are void of the improvement(s). As such, staff is recommending that the Variance to the Subdivision Regulations as requested be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 6, 2002 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.