

STAFF REPORT

March 7, 2002

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**No. 02SV007 - Variance to the Subdivision Regulations to waive the requirement for curb, gutter and street light conduit**      **ITEM 29**

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GENERAL INFORMATION:

PETITIONER	Polenz Land Surveying for Chuck Farrar
REQUEST	<b>No. 02SV007 - Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk and street light conduit</b>
EXISTING LEGAL DESCRIPTION	Lot 16P and Lot 17P of Block 2 of Chapel Lane Village located in the NE1/4 of NE1/4 of Section 17 and the SE1/4 of SE1/4 of Section 8 and the vacated portion of Lakeview Subdivision No. 2 of the SE1/4 of SE1/4 of Section 8, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 16P Revised and Lot 17P Revised in Block 2 of Chapel Lane Village Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .35 acres
LOCATION	3210 Kirkwood Drive
EXISTING ZONING	Low Density Residential District w/Planned Residential Development
SURROUNDING ZONING	
North:	Park Forest District w/Planned Residential Development
South:	Low Density Residential District w/Planned Residential Development
East:	Park Forest District w/Planned Residential Development
West:	Low Density Residential District w/Planned Residential Development
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	01/25/2002
REPORT BY	Lisa Seaman

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for curb, gutter and street light conduit be approved with the stipulation that the

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applicant sign a waiver of right to protest an assessment district for Lot 16P Revised and Lot 17P Revised.

GENERAL COMMENTS: This Subdivision Variance request has been submitted to waive the required subdivision improvements identified in the associated Preliminary and Final Plat (see staff report for #02PL009). The Preliminary and Final Plat proposes to reconfigure a common lot line between two existing lots. The subject property is located in the Chapel Lane Village Planned Residential Development and currently a single family residence is located on each lot. Kirkwood Drive is a paved road, however; no curb and gutter, street light conduit or sidewalks have ever been constructed along Kirkwood Drive. The proposed plat triggers the requirement to complete subdivision improvements along the Kirkwood Drive frontage.

STAFF REVIEW: Staff has reviewed this proposed Subdivision Variance request and is recommending approval with the stipulation that the applicant sign a waiver of right to protest an assessment district for the required subdivision improvements Lot 16P Revised and Lot 17P Revised. Currently, none of the streets in the area have curb and gutter or sidewalks. The Engineering Division has indicated that if the road is paved to a rural road standard including gravel shoulders with a ditch to accommodate drainage, then curb and gutter is not required to accommodate storm water runoff and drainage. In the past, the Planning Commission and the City Council have supported variances to waive the required subdivision improvements when the density of a subdivision is not increased by a proposed plat.