

STAFF REPORT

January 23, 2003

No. 03SV001 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter sidewalk and water along Cliff Drive and Miracle Place **ITEM 37**

GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST	No. 03SV001 - Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water along Cliff Drive and Miracle Place
EXISTING LEGAL DESCRIPTION	Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A, B, and C, Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.17 acres
LOCATION	Along Cliff Drive
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 District w/Planned Residential District
PUBLIC UTILITIES	City sewer and community water
DATE OF APPLICATION	12/27/2002
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 and Miracle Place be approved with the following stipulations:

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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 and Miracle Place; and,
2. Curb, gutter and sidewalk shall be constructed along the east side of Miracle Place as shown on the construction plans.

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 and Miracle Place. The applicant has also submitted a Preliminary and Final Plat to subdivide the subject property into three lots. (See companion item 03PI001.)

On June 6, 2002 the City Council approved Layout Plat #02PL035 to subdivide the subject property into four residential lots. On November 4, 2002, the City Council acknowledged the applicant's request to withdraw Preliminary Plat #02PL085 to subdivide the property into four lots as shown on the previously approved Layout Plat. At the September 5, 2002 Planning Commission meeting, several area property owners opposed the proposed subdivision citing concerns with access and water.

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 and Miracle Place are constructed as an approximate 20 foot wide street(s), with no curb, gutter or sidewalk. The applicant has indicated that City sewer will be extended along Cliff Drive and Miracle Place 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.

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 Cliff Drive design. 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).

The construction plans for Miracle Place show the construction of curb, gutter and sidewalk along the east side of the road. Due to the slope of the road, curb and gutter are needed to carry run-off into a drainage channel being designed as a part of this plat. In addition, constructing a sidewalk along the east side of Miracle Place as shown on the construction plans will accommodate the pedestrian traffic within the cul-de-sac. In particular, it will

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provide a place for children to play outside of the paved street.

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 and that curb, gutter and sidewalk be constructed along the east side of Miracle Place as shown on the construction plans.

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 January 23, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.