

STAFF REPORT

July 21, 2005

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**No. 05SV046 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on Wildwood Drive as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 39**

GENERAL INFORMATION:

PETITIONER	Peter Hendricksen
REQUEST	<b>No. 05SV046 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on Wildwood Drive as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 13R and Lot 14R, Block 3, Wildwood Subdivision, located in the W1/2 SE1/4, E1/2 SW1/4, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 13AR and Lot 14AR, Block 3, Wildwood Subdivision, Section 21, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.5 acres
LOCATION	5775 and 5827 Wildwood 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:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	City water and private sewer
DATE OF APPLICATION	7/7/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on Wildwood Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

GENERAL COMMENTS: The subject property is located on the west side of Wildwood Drive between Sunburst Drive and Alpine Court. Currently, a single family residence is located on each lot. The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along Wildwood Drive as it abuts the subject property. In addition, the applicant has also submitted a Preliminary Plat (05PL120) to reconfigure two existing lots.

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

Wildwood Drive: Wildwood Drive is classified as a sub-collector street requiring that it be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer. The submitted plat shows Wildwood Drive is located in a 66 foot wide right-of-way and is constructed with a 27 foot wide paved surface with curb and gutter located on the west side of the street and water service located within the public right-of-way. Staff noted that curb and gutter are not currently installed on the east side of Wildwood Drive and sidewalk, street light conduit and sewer are not currently located along Wildwood Drive.

The Planning Commission and City Council have previously supported and approved variances to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer when the density of development is not being increased. In this situation, there are no additional lots being created and the density of development is not increasing. Based on the Planning Commission and City Council's previous action, staff recommends approval of the request to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along Wildwood Road as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Staff recommends that the Variance to the Subdivision Regulations be approved with the above stated stipulation.