

STAFF REPORT
October 26, 2006

No. 06SV062 - Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the east side of Miracle Place as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 42

GENERAL INFORMATION:

PETITIONER	Ronald Petty
REQUEST	No. 06SV062 - Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the east side of Miracle Place as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot D, Miracle Place Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	0.46 acres
LOCATION	4325 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:	Low Density Residential District
PUBLIC UTILITIES	Private community water well and City sewer
DATE OF APPLICATION	9/27/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the east side of Miracle Place as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb and gutter along the east side of Miracle Place.

On April 18, 2005, the City Council approved a Preliminary Plat to subdivide the subject property into four residential lots. In addition, the City Council approved a Variance to the

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Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Miracle Place and Cliff Drive with the stipulations that 1) curb and gutter be constructed along the east side of Miracle Place, and; 2) the applicant sign a waiver of right to protest any future assessment for the construction of sidewalk.

The property is located in the southwest corner of the intersection of Miracle Place and Cliff Drive.

STAFF REVIEW:

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

Curb and Gutter: Curb and gutter were originally required along the east side of Miracle Place to accommodate drainage along this section of the street. However, the applicant has now submitted site plan(s) demonstrating that the adjacent ditch section has been designed and constructed with a rock base to handle the drainage. As such, staff is recommending that the Variance to the Subdivision Regulations be approved as requested with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 26, 2006 Planning Commission meeting if this requirement is not met.