

STAFF REPORT

June 26, 2003

No. 03SV022 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Precision Surveying for Bill Marx
REQUEST	No. 03SV022 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.70 acres
LOCATION	4730 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 Development Designation
PUBLIC UTILITIES	On-site water and wastewater
DATE OF APPLICATION	05/29/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code be denied along the section line

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

Engineering Division Recommendation:

1. Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to improve Cliff Drive located along the east lot line of the subject property and a section line highway located along the west lot line. The applicant has also submitted a Preliminary Plat to subdivide the subject property into two lots. (See companion item #03PL094.)

On February 17, 2003, the City Council approved a Layout Plat to subdivide the subject property into two lots as identified on the associated Preliminary Plat.

The property is located north of the Ridge Drive/Cliff Drive intersection on the west side of Cliff Drive. Currently, a single family residence is located on proposed Lot B and proposed Lot A is void of any structural development.

STAFF REVIEW:

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

Cliff Drive: As previously indicated, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, sewer and water along Cliff Drive as it abuts the subject property. Currently, these improvements do not exist along Cliff Drive. As such, requiring the applicant to improve Cliff Drive as identified will create a discontinuous street design. The Engineering Division has indicated that no current or proposed design plans for Cliff Drive exist. As such it would be difficult for the applicant to construct the improvements at this time. 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 a future assessment for the improvements.

Section Line Highway: As previously indicated, the applicant has requested a Variance to the Subdivision Regulations to waive the requirement to improve a section line highway located along the west lot line. However, the City Council recently required a property owner located further north along Cliff Drive to vacate that portion of this section line. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the

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requirement to improve the section line highway be denied. Instead, staff is recommending that the applicant vacate the section line highway.

The western half of the section line highway is located on an adjacent property under different ownership from the subject property. The Subdivision Regulations states that "...where there exists a dedicated or platted half-street adjacent to the tract to be subdivided, the other half shall be platted. No new half-streets shall be permitted". Vacating only that portion of the section line highway located on the subject property will create a half-street. As such, the entire section line highway must be vacated requiring that the adjacent property owner concurs with the request.

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 26, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.