

STAFF REPORT

September 25, 2003

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**No. 03SV029 - Variance to the Subdivision Regulations to allow a sidewalk on one side of streets in lieu of both sides as per Chapter 16.16 of the Rapid City Municipal Code** **ITEM 24**

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers for Canyon Lake Church of God
REQUEST	<b>No. 03SV029 - Variance to the Subdivision Regulations to allow a sidewalk on one side of streets in lieu of both sides as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 1 in SW1/4 SW1/4, less Lot H1 and H2 of said Lot 1 of the SW1/4 SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Hillsvieview Subdivision #2 and dedicated right-of-way, Section 4, SW1/4 SW1/4 of T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.45 acres
LOCATION	1829 Hillsvieview Drive
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District w/Planned Residential Development
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	07/25/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow a sidewalk on one side of streets in lieu of both sides as per Chapter 16.16 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

**This item was continued at the September 4, 2003 Planning Commission meeting at**

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**the applicant's request in order to be heard in conjunction with an associated Preliminary and Final Plat. This Staff Report has been revised as of August 14, 2003. All changes to this report have been shown in bold print. No other part of this Staff Report has been revised.**

The applicant has submitted a Variance to the Subdivision Regulations to allow a sidewalk along one side of Hillsview Drive, Red Dale Drive and West St. Patrick Street. The applicant also has submitted a Preliminary and Final Plat to subdivide the subject property into two lots. (See companion item #03PL081.)

On January 21, 2002 the City Council approved a Layout Plat to subdivide the subject property into three lots. In addition, a Variance to the Subdivision Regulations was granted to waive the requirement to install sidewalks along the three aforementioned streets with the stipulation that a sidewalk be constructed along the north side of West St. Patrick Street.

Currently, a 4,900 square foot church, Canyon Lake Church of God, is located on proposed Lot 2. Proposed Lot 1 is currently void of any structural development. The applicant has submitted a preliminary site plan showing the future construction of an eighteen unit apartment building on proposed Lot 1.

**STAFF REVIEW:**

Currently, a sidewalk exists along the east side of Hillsview Drive, the east side of Red Dale Drive and the north side of West St. Patrick Street. The City has recently completed street projects that constructed the sidewalks as identified along Hillsview Drive and W. St. Patrick Street. During the original review of the previous Variance to the Subdivision Regulations to allow sidewalks on one side of the street(s), it was identified that topographic constraints preclude the construction of sidewalk(s) on both sides of the street(s). As such, staff is again recommending that the Variance to the Subdivision Regulations to allow a sidewalk on one side of the street(s) be approved.

**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 August 21, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquiries regarding this proposal.