

STAFF REPORT
March 10, 2005

No. 05SV013 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 34

GENERAL INFORMATION:

PETITIONER	Richard O. Stahl
REQUEST	No. 05SV013 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 1-5 of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1R, 2A, 2B, 3A, 3B, 4R and 5R of Stahl Victorian Addition of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.59 acres
LOCATION	At the southwest corner of the intersection of West Street and South Street
EXISTING ZONING	High Density Residential District w/PRD
SURROUNDING ZONING	
North:	High Density Residential District
South:	Medium Density Residential District
East:	High Density Residential District
West:	High Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/9/2005
REVIEWED BY	Todd Tucker / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk 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 assessments for the improvements.

STAFF REPORT
March 10, 2005

No. 05SV013 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 34

GENERAL COMMENTS: The subject property is located on the north side of Hill Street between 12th Street and Mill Street at the western terminus of Carolyn Court. On April 16, 2001 the City Council approved a Variance to the Subdivision Regulations to allow curb, gutter and sidewalk on one side of the alley and sidewalk on one side of Stall Court. The applicant has submitted a Preliminary Plat application to subdivide four existing lots into six lots with four being townhouse lots (05PL026). As such, the applicant is requesting a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk on the south side of Hill Street and the west side of Stahl Court as per Chapter 16.16 of the Rapid City Municipal Code.

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

Previously the City Council approved the request to waive the requirement to install curb, gutter and sidewalk on the south side of Hill Street and waive the requirement to construct the sidewalk on the west side of Stahl Court. The proposed development was an in-fill development project and there were topographical constraints on the subject property. The determination was made that the improvements on the north side of Hill Street will provided the necessary infrastructure to handle the proposed development and the terrain along the west side of Stahl Court limits the ability to install a sidewalk in this location.

The Planning Commission and City Council have previously supported and approved variances to waive the requirements to install curb, gutter and sidewalk 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 and sidewalk on the south side of Hill Street 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. No waiver of right to protest is required for Stahl Court as it is a private street.