

STAFF REPORT
October 25, 2007

No. 07SV055 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on Clarkson Road and Spring Canyon Trail and to waive the requirement to install pavement on Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 56

GENERAL INFORMATION:

APPLICANT	Jo and Steve Benn
AGENT	Gary Renner for Renner & Associates
PROPERTY OWNER	Jo and Steve Benn
REQUEST	No. 07SV055 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on Clarkson Road and Spring Canyon Trail and to waive the requirement to install pavement on Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The unplatted balance of the N1/2 of the SE1/4, lying west of Clarkson Road and a portion of the SE1/4 of the NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 8 of Block 4 of Clarkson Subdivision, Section 31, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 33.92 acres
LOCATION	North and east of the intersection of Spring Canyon Trail and Clarkson Road
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Suburban Residential District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
PUBLIC UTILITIES	Community water and private sewer
DATE OF APPLICATION	9/28/2007

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ITEM 56

REVIEWED BY

Travis Tegethoff / Todd Peckosh

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 Clarkson Road 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; and,

That the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water on Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice to allow the applicant to vacate the right-of-way.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on Clarkson Road and Spring Canyon Trail and to waive the requirement to install pavement on Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code. The property is located between Spring Canyon Trail and Clarkson Road and is currently void of any structural development.

On October 1, 2007 City Council approved a Layout Plat (#07PL114) for the property with the following stipulations:

1. Prior to Layout approval by Planning Commission, a master plan for the area shall be submitted for review and approval;
2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval;
3. Upon submittal of a Preliminary Plat application, a drainage plan in compliance with the Drainage Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. If on-site detention is required, then design calculations and details for the detention shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans must demonstrate adequate capacity of the downstream wastewater system. If individual on-site wastewater systems are used, then an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be

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ITEM 56

- submitted for review and approval. In particular, the information must include percolation test data and location as well as soil profile data and locations. In addition, a septic tank plan must be submitted for review and approval as per Chapter 16.20.040.N of the Rapid City Municipal Code;
5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the water system shall be constructed and designed to provide adequate fire and domestic flows. In addition, the plat document shall be revised to show utility easement(s) as needed. If on-site well(s) and/or a community water source are used, data to confirm that the well(s) have sufficient flows and water quality must be submitted for review and approval;
 6. Upon submittal of a Preliminary Plat, road construction plans for Clarkson Road be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 72 foot wide right-of-way and constructed with pavement, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained or an Amendment to the City's Major Street Plan must be obtained;
 7. Upon submittal of a Preliminary Plat application, road construction plans for Spring Canyon Trail shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
 8. Prior to Preliminary Plat approval by the City Council, the applicant shall obtain a Special Exception to allow a cul-de-sac in excess of 1,200 feet and to waive the requirement to provide intermediate turnarounds or the street must be redesigned to comply with the Street Design Criteria Manual;
 9. Prior to Preliminary Plat approval by the City Council, the applicant shall obtain a Special Exception to allow more than 40 dwelling units with one point of access or revise the plat document to provide a second point of access;
 10. Prior to Preliminary Plat approval by the City Council, a Wildland Fire Mitigation Plan shall be submitted for review and approval;
 11. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval;
 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and,
 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval.

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

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Clarkson Road: Clarkson Road is identified on the City's Major Street Plan as a future collector street requiring that it be located in a minimum 76 foot wide right-of-way and constructed to a collector street standard with pavement, curb, gutter, sidewalk, street light conduit, sewer and water. The applicant is requesting a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on Clarkson Road as per Chapter 16.16 of the Rapid City Municipal Code. Staff noted that Clarkson Road is currently constructed with approximately a 26 feet wide paved surface. Staff noted that requiring curb, gutter, sidewalk and street light conduit in this section of Clarkson Road would create a discontinuous street section. In addition, City water and sewer is not currently available in the area. As such, 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 Clarkson Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

Spring Canyon Trail: Spring Canyon Trail is identified as a sub-collector street and must be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. The applicant is requesting a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water on Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code. However, staff noted that due to the topography of Spring Canyon Trail, the construction of Clarkson Road and the fact that the adjacent properties currently have alternative points of access it appears that Spring Canyon Trail should be vacated. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water on Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice to allow the applicant to vacate the right-of-way.

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 October 25, 2007 Planning Commission meeting if the notification requirements have not been met.