

STAFF REPORT

December 6, 2001

No. 01SV033 - Variance to the Subdivision Regulations to waive the requirement for topographic information, sidewalk, curb and gutter and street light conduit **ITEM 26**

GENERAL INFORMATION:

PETITIONER	Alvin Aisenbrey
REQUEST	No. 01SV033 - Variance to the Subdivision Regulations to waive the requirement for topographic information, sidewalk, curb and gutter and street light conduit
LEGAL DESCRIPTION	Lot 13 Revised of Block 2 of Cleghorn Canyon Subdivision No. 2, located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.8 acres
LOCATION	5100 Cleghorn Canyon Road
EXISTING ZONING	No Use District (City)
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	Flood Hazard District
East:	Park Forest District/Flood Hazard District (City)
West:	Limited Agriculture District (County)
PUBLIC UTILITIES	City water and community sewer
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for topographic information, sidewalk, curb and gutter and street light conduit be approved.

GENERAL COMMENTS:

This item was continued at the November 21, 2001 Planning Commission meeting to allow the applicant to meet the legal notification requirement. This Staff Report has been revised as of November 26, 2001. All revised or added text is shown in bold text. The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement for topographic information, sidewalk, curb and gutter and street light conduit. The applicant has also submitted a Preliminary and Final Plat on the subject property to incorporate an additional 3.46 acres into an existing .34 acre lot located in the Cleghorn Canyon Subdivision #2. Currently, a single family residence is located on the existing lot. (See companion item #01PL114.)

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STAFF REVIEW:

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

Street Improvements: Jackson Boulevard is located along the east lot line and Cleghorn Canyon Road is located along the south lot line. In addition, Cleghorn Canyon Lane is located along a portion of the west lot line. Currently, curb and gutter are located along both sides of Jackson Boulevard as it abuts the subject property. In addition, a sidewalk is located on the east side of Jackson Boulevard. Curb and gutter and a sidewalk are located along the south side of Cleghorn Canyon Road as it abuts the subject property. No curb and gutter or sidewalk exists along either side of Cleghorn Canyon Lane. All three roadways are paved. A major purpose of the requirement for the installation of curb and gutter is to provide adequate facilities for storm run off and drainage. The Engineering Division has indicated that the three paved roadways will serve to accommodate these needs. In addition, the existing sidewalks located west and south of the subject property will accommodate pedestrian traffic within the area. The proposed lot is relatively large and is more reflective of a rural density. The Planning Commission and the City Council have supported variances to allow rural section roads when the proposed plat does not result in an increase in density. Staff supports the variance waiving the requirement to install curb and gutter, sidewalks and street light conduit based on the size of the lot and that the proposed plat will not result in an increase in density.

Topographic Information: As previously indicated, a residence is currently located on the subject property. Replatting the property as identified, will not result in any additional residential development on the property. As such, staff is supporting the Variance to the Subdivision Regulations to waive the requirement to submit topographic information.

During the review of the above referenced Variance to the Subdivision Regulations request, staff identified that the legal description for the subject property on the application was incorrect. As such, staff is recommending that this item be continued to allow the legal notification requirement to be met. **The legal notification, with the corrected legal description, has been completed.**