

STAFF REPORT
December 9, 2004

No. 04SV061 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 56

GENERAL INFORMATION:

PETITIONER	CETEC Engineering Services, Inc.
REQUEST	No. 04SV061 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 5 Revised, Block 4 and half the vacated right-of-way of Spring Canyon Trail of Clarkson Subdivision, located in the SE1/4 NE1/4 and SW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 6 and Lot 7 of Block 4 of Clarkson Subdivision, located in the SE1/4 NE1/4 and SW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.9 acres
LOCATION	8503 Clarkson Road
EXISTING ZONING	Suburban Residential District
SURROUNDING ZONING	
North:	Suburban Residential District
South:	Suburban Residential District
East:	Suburban Residential District
West:	Suburban Residential District
PUBLIC UTILITIES	Community water and private sewer
DATE OF APPLICATION	10/29/2004
REVIEWED BY	Renee Catron-Blair / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement along Spring Canyon Trail be denied and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer and street light conduit along Clarkson Road and Spring Canyon Trail as per Chapter 16.16 of the

STAFF REPORT
December 9, 2004

No. 04SV061 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 56

Rapid City Municipal Code be approved with the following stipulation:

1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk, sewer and street light conduit along Clarkson Road and Spring Canyon Trail **as they abut the subject property.**

GENERAL COMMENTS:

(Update December 3, 2004. All revised and/or added text is shown in bold print.) This item was continued at the November 24, 2004 meeting to allow the applicant time to submit additional information. On December 1, 2004 the applicant submitted additional survey information revising the plat document.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer and street light conduit along Spring Canyon Trail and Clarkson Road as it abuts the subject property. The applicant has also submitted a Preliminary Plat to subdivide 6.08 acres, into proposed Lot 6 Block 4 (1.12 acres) and **proposed Lot 7 Block 4** (4.960 acres.) (See companion item #04PL153.) Further, the applicant has submitted a request to vacate all but the north 66.33 feet of Spring Canyon Trail lying adjacent to Lot 5 Revised, Block 4, Clarkson Subdivision as part of a companion item (#04VR010). **The applicant has requested the withdrawal of the Vacation of right-of-way.**

The subject property is located along Spring Canyon Trail within the Sheridan Lake Road area. Currently, there are no structures located on the subject property and it is located in a Suburban Residential Zoning District (Pennington County) requiring a minimum lot size of 6,500 square feet. The proposed lots comply with the minimum lot size requirements. Lot 6 Block 4 is the proposed site of a High Level Water Tank for Colonial Pine Hills Sanitary District.

STAFF REVIEW:

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

Spring Canyon Trail: Spring Canyon Trail is located along the west lot line. As noted, a significant portion of Spring Canyon Trail is proposed to be vacated adjacent to this site. **The applicant has requested the withdrawal of the Vacation of right-of-way.** Spring Canyon Trail is classified as a collector street on the City's Major Street Plan requiring that it be located in a minimum 60 foot wide right-of-way with a 24 foot wide paved surface. Currently, Spring Canyon Trail is constructed in a 66 foot wide right-of-way with an approximate 20 foot wide paved surface along the first 65 feet as it abuts the subject property. The remainder of Spring Canyon Trail abutting the site has a gravel surface as it continues to the south. The balance of Spring Canyon Trail does not have pavement, curb, gutter, sidewalk, street light conduit and sewer improvements as it abuts the subject

STAFF REPORT
December 9, 2004

No. 04SV061 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 56

property. **Staff recommends that the Variance request to install pavement be denied adjacent to proposed Lot 6 Block 4, as a portion of Spring Canyon Trail is currently paved.** Requiring the **curb, gutter, sidewalk, street light conduit, and sewer on** Spring Canyon Trail **as it abuts** the subject property will result in a discontinuous street section. The Planning Commission and the City Council have granted similar Variance requests when the requirement to improve the street would result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the **requirement for pavement** along Spring Canyon Trail be **denied which will continue the pavement street section further to the south and that the Variance to the Subdivision Regulations to waive the curb, gutter, sidewalk, street light conduit, and sewer** be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Clarkson Road: Clarkson Road is located along the east lot line and is classified as a collector street on the City's Major Street Plan requiring that it be located in a minimum 60 foot wide right-of-way with a 24 foot wide paved surface. Currently, Clarkson Road is constructed in a 66 foot wide right-of-way with a 24 foot wide paved surface and water. Clarkson Road is without curb, gutter, sidewalk, streetlight conduit and sewer as it abuts the subject property. Requiring the improvement of Clarkson Road as it abuts the subject property will result in a discontinuous street section. The Planning Commission and the City Council have granted similar Variance requests when the requirement to improve the street would result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Clarkson Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: The receipts from the certified mailings have been returned as of this writing.