

STAFF REPORT  
February 21, 2008

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**No. 08SV004 - Variance to the Subdivision Regulations to waive the ITEM 29 requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code**

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GENERAL INFORMATION:

APPLICANT	Jo and Steve Benn
AGENT	Renner & Associates
PROPERTY OWNER	Steve and Jo Benn
REQUEST	<b>No. 08SV004 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Spring Canyon Trail as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	A portion of the N1/2 of the SE1/4, a portion of the S1/2 of the NE1/4, a portion of Spring Canyon Trail Right-of-way, and a portion of Clarkson Road Right-of-way, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 8 of Block 4 of Clarkson Subdivision, located in a portion of the N1/2 of the SE1/4, a portion of the S1/2 of the NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.209 acres
LOCATION	At the intersection of Clarkson Road and Spring Canyon Trail
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	1/25/2008
REVIEWED BY	Travis Tegethoff / Ted Johnson

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Spring Canyon Trail 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.

GENERAL COMMENTS:

The applicant has submitted 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 for the northern 95 feet. The applicant has also submitted a Preliminary Plat (#08PL008) to subdivide the property into a 3.7 acre lot and leave the remainder of the property as an unplatted balance and Vacation of Right-of-Way requests (#08VR001 and #08VR002) for portions of Spring Canyon Trail and Clarkson Road. The property is located between Spring Canyon Trail and Clarkson Road and is currently void of any structural development.

On December 17, 2007 City Council denied without prejudice a Variance to the Subdivision Regulations (#07SV055) 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 to allow the applicant to vacate the right-of-way.

As previously indicated, the applicant has submitted a Vacation of Right-of-Way request for the southern portion of Spring Canyon Trail but is not vacating the northern 95 feet to allow access to the adjacent property. As such, the applicant is requesting a Variance to the Subdivision Regulations not to improve the northern portion of Spring Canyon Trail.

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

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 for the northern 95 feet. Staff also noted that the applicant has submitted a Vacation of Right-of-Way request (#08VR002) for the southern portion of Spring Canyon Trail. Staff noted that Spring Canyon Trail is currently constructed with approximately a 20 foot wide gravel surface. There is no pavement, curb, gutter, sidewalk, sewer, water, or street light conduit currently constructed on the adjacent section of right-of-way. Requiring pavement, curb, gutter, sidewalk and street light conduit in this section of Spring Canyon Trail would create a discontinuous street section. In addition, City water and sewer is located approximately 6,000 feet away in the

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Red Rock Estates Subdivision and 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 Spring Canyon Trail 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.

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 February 21, 2008 Planning Commission meeting if the notification requirements have not been met.