

STAFF REPORT

June 5, 2008

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**No. 08SV031 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 37**

GENERAL INFORMATION:

APPLICANT/AGENT	Michael and Susan Bergstresser
CO-APPLICANT/AGENT	Elmer E. and Barbara Storm
PROPERTY OWNER	Michael and Susan Bergstresser and Elmer E. and Barbara Storm
REQUEST	<b>No. 08SV031 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2R and 3R, formerly Lots 2 thru 6 less Lot H1, located in the SE1/4 of the NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.314 acres
LOCATION	6417 South Canyon Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Suburban Residential District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	5/8/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along South Canyon 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 assessments for the improvements.

### GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along South Canyon Road as it abuts the property. In addition, the applicant has submitted a Layout and Preliminary Plat for the property to combine five existing lots into two lots resulting in a decrease in density.

The property is located approximately 250 feet southeast of the intersection of Wide View Drive and South Canyon Road on the south side of South Canyon Road. Currently, one single family residence is located on each of the two proposed lots.

### STAFF REVIEW:

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

South Canyon Road: South Canyon Road is located along the north lot line of the property and is classified as a principal arterial street requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, South Canyon Road is located within a minimum 100 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface and barrow ditches to accommodate drainage.

The City's draft Master Utility Plan for the year 2030 shows sewer and water along South Canyon Road. However, it may be 15 or more years before City utilities are available to this site. In addition, no design plans for the extension of the utilities exist. Requiring the improvement at this time may not coordinate with the actual design elevation for the sewer and water.

Curb and gutter have not been constructed along this section of South Canyon Road. However, as noted above, the existing barrow ditches have been designed to accommodate drainage along the street.

No sidewalks and/or street lights currently exist along this section of South Canyon Road. In addition, the proposed lots abut the street a distance of 320 feet and 80 feet, respectively. Chapter 12.16.080 of the Rapid City Municipal Code states that a sidewalk is not required along a lot that abuts a street in excess of 200 feet. Requiring the sidewalk along the lot

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that abuts the street a distance of 80 feet will result in a discontinuous design and would not provide any sidewalk connection along the street.

Requiring that the street be improved as it abuts the property will create a discontinuous street section. In addition, the associated plat proposes to combine five lots into two lots resulting in a decrease in density. In the past, the Planning Commission and the City Council have granted similar requests when the improvement would create a discontinuous street section, when the existing street is currently paved and when the associated plat results in a decrease in density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement be approved with the stipulation that prior to City Council approval, 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 not been returned. Staff will notify the Planning Commission at the June 5, 2008 Planning Commission meeting if this requirement is not met.