

STAFF REPORT  
February 4, 2010

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**No. 09SV028 - Variance to the Subdivision Regulations to waive the requirement to construct pavement, pavement width, curb, gutter, sidewalk, water, sewer and street light conduit on the Private Access Easement and Pioneer Circle**

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**ITEM 8**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	William B. Colson, Jr. and Mary Colson
REQUEST	<b>No. 09SV028 - Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to reduce the width of the private access and utility easement from 49 feet to a varying width of 46.9 feet to 5 feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a varying width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20.0 acres
LOCATION	5703 and 5707 Pioneer Circle
EXISTING ZONING	Low Density Residential District (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential District (Pennington County)
South:	Low Density Residential District (Pennington County)
East:	Low Density Residential District (Pennington County)
West:	Low Density Residential District (Pennington County)

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PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/11/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

**RECOMMENDATION:**

Staff recommends that the Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to reduce the width of the private access and utility easement from 49 feet to a varying width of 46.9 feet to 5 feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a varying width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **February 18, 2010** Planning Commission meeting.

**GENERAL COMMENTS:**

**(Update, January 22, 2010. All revised and/or added text is shown in bold print.) This item was continued at the January 21, 2010 Planning Commission meeting to allow the applicant to submit additional information. In particular, street sections and drainage calculations must be provided showing that the existing street improvements adequately control stormwater flows in order to determine if curb and gutter are needed. In addition, the location and design of the existing driveway located in the northwest corner of the property must be provided in order to determine if the easement as shown on the plat for the driveway is sized and located correctly. If individual on-site wastewater systems are to be utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. In addition, water plans prepared by a Registered Professional Engineer identifying the well information and water flow data for the existing Spring Canyon water system must be submitted for review and approval. The applicant must also submit a signed and recorded Covenant Agreement with the Spring Canyon Water Company securing service to the property.**

**To date, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the February 18, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues.**

**(Update, January 8, 2010. All revised and/or added text is shown in bold print.) This item was continued at the January 7, 2010 Planning Commission meeting to allow the applicant**

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to submit additional information. In particular, street sections and drainage calculations must be provided showing that the existing street improvements adequately control stormwater flows in order to determine if curb and gutter are needed. In addition, the location and design of the existing driveway located in the northwest corner of the property must be provided in order to determine if the easement as shown on the plat for the driveway is sized and located correctly. If individual on-site wastewater systems are to be utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. In addition, water plans prepared by a Registered Professional Engineer identifying the well information and water flow data for the existing Spring Canyon water system must be submitted for review and approval. The applicant must also submit a signed and recorded Covenant Agreement with the Spring Canyon Water Company securing service to the property.

To date, the information has not been submitted for review and approval. As such, staff recommends that the Variance to the Subdivision Regulations be continued to the February 4, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues.

The applicant has submitted a Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to reduce the width of the private access and utility easement from 49 feet to a varying width of 46.9 feet to 5 feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a varying width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement. In addition, the applicant has submitted a Layout Plat (File #09PL086) to subdivide the property, which consists of two platted lots, into three lots.

The property is located outside the City limits of Rapid City but within the City's three mile platting jurisdiction. In particular, the property is located approximately 500 feet south of the intersection of Pioneer Circle and Clarkson Road on the east side of Pioneer Circle. Currently, a fire hydrant is located on proposed Lot 1, a single family residence, garage and pump house are located on proposed Lot 2 and a single family residence is located on proposed Lot 3.

**STAFF REVIEW:** Additional information is needed in order to review the Variance to the Subdivision Regulations as requested by the applicant. In particular, street sections and drainage calculations must be provided showing that the existing street improvements adequately control stormwater flows in order to determine if curb and gutter are needed. In addition, the location and design of the existing driveway located in the northwest corner of the property must be provided in order to determine if the easement as shown on the plat for the driveway is sized and located correctly. If individual on-site wastewater systems are to

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be utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems must be submitted for review and approval. In addition, water plans prepared by a Registered Professional Engineer identifying the well information and water flow data for the existing Spring Canyon water system must be submitted for review and approval. The applicant must also submit a signed and recorded Covenant Agreement with the Spring Canyon Water Company securing service to the property.

Staff recommends that the Variance to the Subdivision Regulations be continued to the **February 18, 2010** Planning Commission meeting to allow the applicant to submit the additional information as identified above in order for staff to adequately review the Variance requests.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the **February 4, 2010** Planning Commission meeting if this requirement is not met. Staff has received two telephone calls of inquiry regarding this item. The callers voiced concern with the existing well serving an additional lot.