

STAFF REPORT
December 9, 2004

No. 04SV072 - Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb and gutter, sidewalk, street light conduit, sewer and water on Radar Hill Road and Holy Cow Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 58

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Dave and Marjean Riter
REQUEST	No. 04SV072 - Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb and gutter, sidewalk, street light conduit, sewer and water on Radar Hill Road and Holy Cow Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 1 and Lot 9 of Holy Cow Ranch Subdivision located in Government Lots 3 and 4, Section 19, T1N, R9E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1R, Lot 9R, Well Lot A, and Well Lot B, Holy Cow Ranch Subdivision located in Government Lots 3 and 4, Section 19, T1N, R9E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	approximately 6.016
LOCATION	23258 Radar Hill Road
EXISTING ZONING	Low Density Residential District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	Low Density Residential District (County)
East:	Low Density Residential District (County)
West:	Low Density Residential District (County)
PUBLIC UTILITIES	Community water and private wastewater
DATE OF APPLICATION	11/11/2004
REVIEWED BY	Renee Catron-Blair / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement on Radar Hill Road adjacent to future Lot 1R be denied; that the Variance to the

STAFF REPORT
December 9, 2004

No. 04SV072 - Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb and gutter, sidewalk, street light conduit, sewer and water on Radar Hill Road and Holy Cow Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 58

Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water on Radar Hill Road and the Variance to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water on Holy Cow Ranch Road as per Chapter 16.16 of the 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, street light conduit, water and sewer along Radar Hill Road and shall sign a waiver of right to protest any future assessments for the installation of pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Holy Cow Ranch Road.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, and pavement along Radar Hill Road and Holy Cow Ranch Road as they abut the subject properties. In addition, the applicant has submitted a Preliminary Plat to subdivide two lots into four lots, including two well lots. (See companion item #04PL175) Pennington County Zoning Board of Adjustments has granted a Variance to the Well Lot size, as they did not meet the minimum requirement of three acres.

The subject property is located east on South Dakota Highway 44 and south on Radar Hill Road and Holy Cow Ranch Road. The southern portion of Radar Hill Road has a gravel surface. Holy Cow Ranch Road also has a gravel surface. The subject property is located in the City of Rapid City's three mile platting jurisdiction.

STAFF REVIEW:

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

Radar Hill Road: Radar Hill Road is classified as a collector street requiring that the street be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations. Currently, Radar Hill Road is located in a 66 foot right-of-way with an approximate 24 foot wide graveled surface with no curb, gutter, sidewalk, streetlight conduit, water and sewer. Five feet of additional right-of-way must be dedicated on the plat document to meet the minimum right-of-way requirements. The balance of the required right-of-way will be obtained from the adjacent property in the future. Radar Hill Road is paved from South Dakota Highway 44 to approximately the north lot line of the subject property, Lot 1R. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement of pavement along Radar Hill Road be denied as to continue the pavement street section further to the south for that portion abutting future Lot 1R. Staff is recommending that the Variance to the Subdivision Regulations to waive the curb, gutter, sidewalk, street light conduit, water, sewer along this segment of Radar Hill

STAFF REPORT
December 9, 2004

No. 04SV072 - Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb and gutter, sidewalk, street light conduit, sewer and water on Radar Hill Road and Holy Cow Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 58

Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Holy Cow Ranch Road: Holy Cow Ranch Road is located along the north lot line of the subject property and is classified as a lane place street requiring that the street be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Holy Cow Ranch Road is located in a 50 foot wide right-of-way with an approximate 24 foot wide graveled surface without pavement, curb, gutter, sidewalk, streetlight conduit and sewer. Requiring the improvement of Holy Cow Ranch 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 proposed plat does not increase the existing density. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Holy Cow Ranch Road be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the December 9, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.