

STAFF REPORT
February 24, 2005

No. 05SV006 - Variance to the Subdivision Regulations to allow platting one-half of a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 49

GENERAL INFORMATION:

PETITIONER	Daniel P. Wegner
REQUEST	No. 05SV006 - Variance to the Subdivision Regulations to allow platting one-half of a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 4 of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 4A and 4B of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 14.13 acres
LOCATION	2680 Cavern Road
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Limited Agriculture District (Pennington County)
East:	Limited Agriculture District (Pennington County)
West:	Low Density Residential District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	1/20/2005
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow platting one-half of a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to allow platting one-half of a right-of-way for Cavern Road as it abuts the subject property. On December 10, 2004, the applicant submitted a Preliminary Plat to subdivide the subject property into two

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lots. The Preliminary Plat was continued at the February 10, 2005 Planning Commission meeting to the February 24, 2005 Planning Commission meeting to be heard in conjunction with this Variance to the Subdivision Regulations. (See companion item #04PL193.)

On September 28, 2004, the Pennington County Board of Commissioners approved a Rezoning request for the subject property changing the zoning designation from Limited Agricultural District to a Planned Unit Development. On November 15, 2004, the City Council approved a Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Cavern Road as it abuts the subject property.

The property is located in the northwest corner of the intersection of Canterberry Road and Cavern Road. Currently, a single family residence is located on proposed Lot 4A.

STAFF REVIEW:

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

Cavern Road: Cavern Road is located in a 66 foot wide easement and serves as access to eight lots. The Street Design Criteria Manual states that an easement may not serve as access to more than four lots. As such, the applicant is proposing to dedicate the western 33 feet of the easement located on the subject property as public right-of-way. However, the Subdivision Regulations does not allow platting one-half of a right-of-way. As such, the applicant has requested a Variance to the Subdivision Regulations to allow platting only that portion of the right-of-way located on the subject property.

Staff has noted that the eastern 33 feet of easement for Cavern Road is located on an adjacent property, under different ownership than the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to allow platting half a right-of-way be approved. The Pennington County Highway Department staff has also noted that Cavern Road is currently maintained by the County eliminating issues that arise when trying to form a road district for an easement in order to provide street maintenance.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the February 24, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal