

STAFF REPORT
February 9, 2006

No. 05SV080 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and pavement along Cavern Road and the access easement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Dennis Johnson
REQUEST	No. 05SV080 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and pavement along Cavern Road and the access easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of Tract 4 Revised of Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 15.85 acres
LOCATION	2600 Cavern Road
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Low Density Residential District - Planned Unit Development (Pennington County)
East:	Limited Agriculture District (Pennington County) - Planned Unit Development (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water, sewer
DATE OF APPLICATION	12/7/2005
REVIEWED BY	Mike Maxwell / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and additional pavement along Cavern Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;**

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, and street light conduit, sidewalks, water and sewer along the Access Easement be approved and that the Variance to wave the pavement requirements along the access easement be denied.

GENERAL COMMENTS: (Update, February 1, 2006. All revised and/or added text is shown in bold print.)

(Update, January 18, 2006. All revised and/or added text is shown in bold print.) The applicant has requested that the application for the Preliminary Plat be continued to the February 9, 2006 Planning Commission to allow the applicant time to provide the requested information and submit a Subdivision Variance application.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and additional pavement along Cavern Road. And to waive the requirements to install curb, gutter, streetlight conduit, water, sewer and pavement along the access easement as it abuts the subject property. In addition, the applicant has submitted a Layout Plat to subdivide a 15.85 acre lot into two lots, sized approximately eight acres and seven acres respectively. (See companion item #05PL232.)

The property is located off West S.D. Highway 44 on Cavern Road. There is currently a single family residence located on proposed Lot B and a gift shop and Black Hills Caverns located on proposed Lot A.

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

Cavern Road: Cavern Road is located along the east side 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. The Fire Department has determined that the property lies within a moderate/high/extreme fire hazard area. In accordance with the Street Design Criteria Manual Section 2.3.1, any streets in this area must be built to sub-collector standards of a minimum 52 foot right-of-way and constructed with a 27 foot paved surface. Currently, Cavern Road is located in a 66 foot wide county easement with an approximate 24 foot wide paved surface with no curb, gutter, sidewalk, streetlight conduit, water or sewer. To require the additional improvements on Cavern Road would create a discontinuous road section. Staff is recommending that the Variance to the Subdivision Regulations to waive the improvements as requested be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for the

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improvements.

Access Easement: The Preliminary Plat identifies an access easement along the southwest lot line of the subject property. The access easement is identified as a lane/place street requiring that it be constructed in a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. The Fire Department has determined that the property lies within a moderate/high/extreme fire hazard area. In accordance with the Street Design Criteria Manual Section 2.3.1, any streets in this area must be built to sub-collector standards of a minimum 52 foot right-of-way and constructed with a 27 foot paved surface. Currently, the Access Easement is located in a 66 foot wide county easement with a 20 foot wide graveled surface. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement be approved as the improvements are not installed in the adjacent paved section of Cavern Road. Staff recommends that the variance to pave the street be denied as this would provide a continuous paved road section from the intersection with Cavern Road to the boundary of the applicant's property.

Legal Notification Requirement: The receipts from the certified mailings have been returned as of this writing. Staff has not received any objections to this variance request.