

STAFF REPORT

July 26, 2007

No. 07SV035 - Variance to the Subdivision Regulations to allow platting half of a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code **ITEM 39**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07SV035 - Variance to the Subdivision Regulations to allow platting half of a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 1 of Tract 2 Revised and Lot 2E of Lot 2 of Tract 2 Revised of Cavern Crest Subdivision, located in the SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Tract 2 Revised and Lot 2ER of Lot 2 of Tract 2 Revised of Cavern Crest Subdivision, located in the SE1/4 Section 11, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 21.34 acres
LOCATION	2675 Cavern Road and 8500 West Highway 44
EXISTING ZONING	Limited Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential District (Pennington County)
South:	Planned Unit Development (Pennington County) - General Commercial District
East:	Low Density Residential District - Limited Agriculture District (Pennington County)
West:	Low Density Residential District - Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	6/27/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along S.D. Highway 44 West be approved with the following stipulation:

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 allow platting half of a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Cavern Road be approved with the following stipulations:

1. The portion of the 66 foot wide easement located on the property, or the southern 33 feet, shall be dedicated as right-of-way; and,
2. 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, sidewalk, street light conduit, water, sewer and pavement along Cavern Crest Court be approved with the following stipulations:

1. An additional two feet of easement width for a total of 52 feet shall be dedicated; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the private access easement be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to allow platting half of a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement. In addition, the applicant has submitted a Preliminary Plat (#07PL086) to reconfigure two lots. The Preliminary Plat identifies the two lots as proposed "Lot 1R and Lot 2ER".

On July 17, 2007, the Pennington County Board of Commissioners approved a rezoning request to change the zoning designation on a portion of proposed Lot 1R from Low Density Residential to Limited Agriculture. In addition, on July 17, 2007, the Pennington County Zoning Board of Adjustment approved a Variance to reduce the lot size of proposed Lot 2ER from three acres to 2.9 acres.

The property is located west of Cavern Road and north of S. D. Highway 44 West. Currently, a single family residence and a detached garage are located on proposed Lot 1R. In addition, a single family residence is located on proposed Lot 2ER.

STAFF REVIEW:

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

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S.D. Highway 44 West: S.D. Highway 44 West is located along the south lot line of the property and is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located within a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, S.D. Highway 44 West is located within a 132 foot wide right-of-way and constructed with a 32 foot wide paved surface. In the past, the Planning Commission and the City Council have granted similar Variance requests when the associated plat did not result in any increase in density and when the improvement would create a discontinuous street section. The associated Preliminary Plat identifies reconfiguring two lots with no increase in density. In addition, requiring the improvements along S.D. Highway 44 would create a discontinuous street section. 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 pavement along S.D. Highway 44 West 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.

Cavern Road: Cavern Road currently serves as access to 12 lots classifying the street as a Lane/Place street. Section 2.3.1 of the Street Design Criteria Manual states that "in moderate/high/extreme fire hazard areas, Lane/Place streets shall provide minimum right-of-way and pavement widths equal to sub-collector streets". A sub-collector street must be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The property is located within an extreme fire hazard area. Currently, Cavern Road is located within a 66 foot wide easement and constructed with an approximate 22 foot wide paved surface. As noted above, in the past the Planning Commission and the City Council have granted similar Variance requests when the associated plat did not result in any increase in density and when the improvement would create a discontinuous street section. The associated Preliminary Plat identifies reconfiguring two lots with no increase in density. In addition, requiring the improvements along this portion of Cavern Road would create a discontinuous street section. The City has granted similar variance requests for Cavern Road with the stipulation that any portion of the easement located on the platted property be dedicated as right-of-way. The southern portion of the access easement is located on proposed Lot 2ER. As such, staff is recommending that the Variance to the Subdivision Regulations to allow platting half a right-of-way and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Cavern Road be approved with the stipulations that the portion of the 66 foot wide easement located on the property, or the southern 33 feet, be dedicated as right-of-way and that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Cavern Crest Court: Cavern Crest Court is also classified as a Lane/Place street and is located within a 50 foot wide private access and utility easement and constructed with an approximate 22 foot wide paved surface. However, as noted above, Section 2.3.1 of the Street Design Criteria Manual states that "in moderate/high/extreme fire hazard areas, Lane/Place streets shall provide minimum right-of-way and pavement widths equal to sub-

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collector streets". A sub-collector street must be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The property is located within an extreme fire hazard area. In the past the Planning Commission and the City Council have granted similar Variance requests when the associated plat did not result in any increase in density and when the improvement would create a discontinuous street section. Requiring the improvements along this portion of Cavern Crest Court would create a discontinuous street section. 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 pavement along S.D. Highway 44 West be approved with the stipulation that an additional two feet of easement width, for a total of 52 feet, be dedicated.

Driveway: The applicant's boundary survey and site plan show a portion of a private driveway located across the southwest corner of the property. The driveway serves as access to an adjacent property requiring that the associated Preliminary Plat be revised to show the driveway within an access easement. The driveway is classified as a Lane/Place street requiring that it be constructed with a minimum 22 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has, subsequently, requested a Variance to the Subdivision Regulations to waive the requirement to improve the driveway. In the past, the Planning Commission and the City Council have granted similar Variance requests when the associated plat did not result in any increase in density. As noted above, the associated Preliminary Plat identifies reconfiguring two lots with no increase 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 pavement along the driveway be approved.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the July 26, 2007 Planning Commission meeting if this requirement has not been met.