

STAFF REPORT  
November 10, 2005

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**No. 05SV073 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement width along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 30**

GENERAL INFORMATION:

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| PETITIONER                    | Dream Design International   |
| REQUEST                       | <b>No. 05SV073 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement width along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code</b> |
| EXISTING<br>LEGAL DESCRIPTION | Unplatted portion of the SE1/4 NW1/4 and the SW1/4 NE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota   |
| PROPOSED<br>LEGAL DESCRIPTION | Black Hills Center Plat of Lots 1-4, Block 1; Lots 1-8, Block 2; Lots 1-5, Block 3; Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota   |
| PARCEL ACREAGE                | Approximately 77.59 acres  |
| LOCATION                      | At the northwest corner of Catron Boulevard and Fifth Street   |
| EXISTING ZONING               | Office Commercial District (Planned Development Designation) - General Commercial District - Medium Density Residential District (Planned Development Designation)   |
| SURROUNDING ZONING            |  |
| North:                        | Low Density Residential District   |
| South:                        | Highway Services District (Pennington County)  |
| East:                         | Medium Density Residential District (Planned Development Designation) - Office Commercial District (Planned Development Designation)   |
| West:                         | Low Density Residential District   |
| PUBLIC UTILITIES              | City sewer and water   |
| DATE OF APPLICATION           | 10/14/2005   |
| REVIEWED BY                   | Vicki L. Fisher / Bob Dominicak  |

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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 additional pavement width along Catron Boulevard as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

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

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Catron Boulevard as it abuts the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into 17 lots to be known as the Black Hills Estates, Phase One. (See companion item #05PL190.)

On September 6, 2005, the City Council approved a Layout Plat to subdivide the subject property into 25 lots.

The property is located in the northwest corner of the intersection of Catron Boulevard and Fifth Street. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Catron Boulevard: Catron Boulevard is located along the south lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan. A principal arterial street must be located in 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, Catron Boulevard is located in a 150 foot wide right-of-way and constructed with a 40 foot wide paved surface. Requiring the improvement of Catron Boulevard as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along Catron Boulevard be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 10, 2005 Planning Commission meeting if this requirement has not been met.