

STAFF REPORT  
January 5, 2006

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**No. 05SV082 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 35**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 05SV082 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The unplatted portion of the SE1/4 of the NW1/4 and the SW1/4 of the NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 70.7 acres
LOCATION	At the northwest corner of the intersection of East Catron Boulevard and Fifth Street
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Development Designation) - General Commercial District (Planned Development Designation) - Office Commercial District (Planned Development Designation)
South:	Pennington County
East:	Medium Density Residential District (Planned Development Designation) - Office Commercial District (Planned Development Designation)
West:	Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/30/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code be approved.

Staff recommends that the Exception to the Street Design Criteria Manual be allow curb side

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sidewalks in lieu of property line sidewalks be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to reduce the right-of-way width for Bald Eagle Lane from 59 feet to 47 feet.

On November 21, 2005, the City Council approved a Preliminary Plat to create 17 lots, including the subject property. The construction plans, as approved, for Bald Eagle Lane provide the 59 foot wide right-of-way.

The subject property is located north of Catron Boulevard and west of Fifth Street. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Bald Eagle Drive: Bald Eagle Drive is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has indicated that the street will be constructed as required but has requested that the right-of-way width be reduced to 47 feet. In particular, the applicant has indicated that truck traffic will be precluded from this street and, as such, the additional right-of-way is not needed to provide turning radii for the delivery vehicles. The property is located within a Planned Development Designation allowing the preclusion of truck traffic from Bald Eagle Drive as a part of an Initial and Final Planned Commercial Development. As such, staff is recommending that the Variance to the Subdivision Regulations to reduce the right-of-way width from 59 feet to 47 feet be approved.

Exception: The applicant has requested an Exception to the Street Design Criteria Manual to allow curb side sidewalks in lieu of property line sidewalks along Bald Eagle Drive. However, staff has noted that there is sufficient width within the right-of-way to provide a four foot wide property line sidewalk with a 2.83 foot wide boulevard area. As such, staff is recommending that the Exception request to allow a curb side sidewalk be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 5, 2006 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.