

STAFF REPORT  
January 5, 2006

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**No. 05SV086 - 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 37**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 05SV086 - 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 LEGAL DESCRIPTION	The unplatted portion of the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.87
LOCATION	At the northwest corner of the intersection of Catron Boulevard and Fifth Street
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
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	12/9/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

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.

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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 two lots. (See companion item #05PL190.)

On November 21, 2005, the City Council approved a Preliminary Plat to create 17 lots, which included the subject property. In particular, the Preliminary Plat identified the subject property as one 10.87 acre lot. In addition, a Variance to the Subdivision Regulations was approved to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Catron Boulevard as it abuts the 17 lot development.

On November 10, 2005, the Planning Commission approved an Initial and Final Planned Residential Development to allow a 146 unit apartment complex with accessory structures to be constructed on the subject property in two phases. The proposed lot split as shown on the associated Preliminary Plat is reflective of the two phases of development.

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:

Catron Boulevard: Catron Boulevard is located along the south lot line and is classified as a principal arterial street requiring that it 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 an approximate 40 foot wide paved surface. Requiring the construction of the additional pavement, curb, gutter, sidewalk, street light conduit, water and sewer along 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 requirement to improve the street as identified be approved. Please note that the applicant has already signed a waiver of right to protest any future assessments for these improvements as a stipulation of approval of the previously approved Variance to the Subdivision Regulations that was approved in conjunction with the Preliminary Plat to create 17 lots. As such, a waiver of right to protest any future assessments for the improvements is not needed as a part of this Variance request.

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

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inquires regarding this proposal.