

STAFF REPORT
February 9, 2006

No. 06SV003 - Variance to the Subdivision Regulations to waive the requirement to allow a lot twice as long as it is wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06SV003 - Variance to the Subdivision Regulations to waive the requirement to allow a lot twice as long as it is wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot A of the NE1/4 of the NW1/4 less Lot H1 and less the Right-of-Way and the unplatted portion of the NW1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 109.65 acres
LOCATION	At the southeast corner of the intersection of Elk Vale Road and Old Folsom Road
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Heavy Industrial District - General Commercial District
East:	Limited Agriculture District (Pennington County)
West:	Light Industrial District
PUBLIC UTILITIES	City water, sewer
DATE OF APPLICATION	1/13/2006
REVIEWED BY	Mike Maxwell / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to allow a lot twice as long as it is wide be denied without prejudice.

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 Elk Vale Road as per

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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 assessment for the improvements;

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirements to allow a lot twice as long as it is wide and to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Elk Vale Road as it abuts the subject property. In addition, the applicant has submitted a Preliminary Plat to create seven lots in a Light Industrial District. (See companion item #06PL004.)

The property is located at the southwest corner of Elk Vale Road and Folsom Road.

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

Elk Vale Road: Elk Vale Road is located along the northern lot line of the subject property and is classified as a principle arterial road requiring that the road be located in a minimum 100 foot wide right-of-way and constructed with a minimum 12 foot wide pavement sections with curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Elk Vale Road is located in a 100 foot right-right of way with a 48 foot pave surface with no curb, gutter, sidewalk, street light conduit, water or sewer. To require the improvements along Elk Vale Road would create a discontinuous road surface. Staff recommends that the Variance to the Subdivision Regulations to waive the improvements as requested be approved with the stipulation that the applicant sign a Wavier of Rights to Protest any future assessments for the improvements.

Lots Twice as Long as Wide: The applicant has requested that a Variance to the Subdivision Regulations to waive the requirements to allow a lot twice as long as wide in the Industrial Zoned District. Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to allow a lot twice as long as wide be denied without prejudice as the requirement only applies to Residentially Zoned Districts.

Legal Notification Requirement: The receipts from the certified mailings have not been returned as of this writing. Staff will notify the Planning Commission on February 9, 2006 meeting if this requirement is not met.