

STAFF REPORT
May 4, 2006

No. 06SV020 - Variance to the Subdivision Regulations to Waive the Requirements to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Eglin Street and to waive the requirements to install, curb, gutter, sidewalk, street light conduit, and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 33

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06SV020 - Variance to the Subdivision Regulations to Waive the Requirements to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Eglin Street and to waive the requirements to install, curb, gutter, sidewalk, street light conduit, and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A parcel of land located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of block 1, LaGrand Subdivision, located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.34 acres
LOCATION	North Elk Vale Road and Eglin Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Agriculture District
East:	General Commercial District
West:	General Agriculture District
PUBLIC UTILITIES	City water, sewer
DATE OF APPLICATION	4/7/2006
REVIEWED BY	Mike Maxwell / Mary Bosworth

STAFF REPORT
May 4, 2006

No. 06SV020 - Variance to the Subdivision Regulations to Waive the Requirements to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Eglin Street and to waive the requirements to install, curb, gutter, sidewalk, street light conduit, and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 33

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to Waive the Requirements to install, curb, gutter, sidewalk, street light conduit, and sewer along Elk Vale Road 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 assessment for the improvements along Elk Vale Road as it abuts the subject property;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Eglin Street be denied without prejudice.

GENERAL COMMENTS:The applicant submitted this application for a Variance to the Subdivision Regulations to waive the requirement to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Eglin Street and to waive the requirements to install, curb, gutter, sidewalk, street light conduit, and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code.

This Subdivision Variance has been submitted in conjunction with a request by the applicant for a Preliminary Plat to create two lots Lot 1 and Lot 2 from the existing parcel. (See companion item #06PL048).

The property is located adjacent to North Elk Vale Road and Eglin Street

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 eastern lot line of proposed Lot 1 and is classified as an arterial street requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 24 foot wide paved lane, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the Elk Vale Road is located in a 250 foot wide right-of-way with a minimum 24 foot paved surface with street lights, water and sewer. Elk Vale Road currently does not have curb, gutter, and sidewalks. Requiring the installation of curb, gutter, sidewalk, on Elk Vale Road would create a discontinuous road section and Elk Vale Road is a State Highway. As such, staff recommends that the Variance to the Subdivision Regulations to waive the curb, gutter, and sidewalk, be approved with the stipulation that the applicant sign a Waiver of Right to Protest any future assessments for those improvements.

Eglin Street; Eglin Street is located along the southern lot line of proposed Lot 1 and 2, and is classified as an arterial street requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter,

STAFF REPORT
May 4, 2006

No. 06SV020 - Variance to the Subdivision Regulations to Waive the Requirements to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Eglin Street and to waive the requirements to install, curb, gutter, sidewalk, street light conduit, and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 33

sidewalk, street light conduit, water and sewer. On April 6, 2006 an 11-6-19 Review to construct a public street with public utilities was approved by the Planning Commission for Eglin Street. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer be denied as the variances are not required.