

STAFF REPORT
May 25, 2006

No. 06SV028 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Eglin Street and to waive the requirement 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

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06SV028 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Eglin Street and to waive the requirement 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 E1/2 NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 13.91 acres
LOCATION	North Elk Vale Road and Eglin Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District - Light Industrial District
South:	General Agriculture District
East:	General Commercial District
West:	General Agriculture District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	4/28/2006
REVIEWED BY	Marcia Elkins / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Eglin Street be denied without prejudice; and, that the Variance to waive the requirement to install sewer along Elk Vale Road be denied without prejudice; and, that the Variance to waive the requirement to install curb, gutter, sidewalk and street light conduit along Elk Vale Road be approved with the following stipulation:

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1. Prior to City Council approval, the applicant shall enter into a waiver of right to protest the assessment for the required improvements.

GENERAL COMMENTS: The applicant has submitted this request for a Variance to waive the requirement to install pavement curb, gutter, sidewalk, street light conduit, water and sewer along Eglin Street. In addition, the applicant has requested a Variance to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer along Elk Vale Road.

The property in question is located at the southwest corner of Elk Vale Road and Cheyenne Boulevard. Eglin Street is being relocated to align with Cheyenne Boulevard at this location. This Subdivision Variance has been submitted in conjunction with a request to plat Lot 1 and Lot 2 of Block 2 of LaGrand Subdivision along with right-of-way for the extension of Turbine Drive along the western boundary. The proposed lots are 4.27 and 7.96 acres in size, respectively. The property in question is zoned General Commercial. Land to the north is zoned General Commercial and Light Industrial. The land to the south and west is zoned General Agriculture and the land to the east, across Elk Vale Road is zoned General Commercial.

Eglin Street is currently being relocated in conjunction with the South Dakota Department of Transportation's reconstruction of the Elk Vale Road Interstate interchange (Exit 61). The connection to Eglin Street is being moved further south to improve the capacity and safety of the Interstate ramp area. The new alignment results in Eglin Street being tied into the current Elk Vale Road and Cheyenne Boulevard intersection. An 11-6-19 SDCL application has previously been reviewed and approved for the construction of Eglin Street adjacent to the proposed subdivision. These improvements are currently under construction.

Additionally, a Preliminary Plat (06PL048) and a Subdivision Variance (06SV020) have previously been submitted for the adjacent property located directly north of this subdivision. That Subdivision Request also requested that the public improvements for the same stretch of Eglin Street be waived. That Subdivision Variance was denied without prejudice by the City Council on May 15, 2006.

STAFF REVIEW: Staff has reviewed the request for Variances to the Subdivision Regulations and has noted the following considerations.

Elk Vale Road: Elk Vale Road, lying directly adjacent to the proposed subdivision is identified as an arterial street on the Major Street Plan. It is also on the State Highway System. Pursuant to the Street Design Criteria Manual, the street must be located in a 100 foot wide right-of-way. Currently, Elk Vale Road is located in a 250 foot wide right-of-way with four paved lanes, exceeding the City's requirements. Sanitary sewer is currently located in Elk

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Vale Road. There is no curb and gutter, sidewalk or street light conduit on portions of this frontage and the adjacent roadway. Requiring those improvements at this location would result in a discontinuous street section. Further, this road is a State Highway. For those reasons, staff recommends that the variance to waive the requirement to install curb, gutter, sidewalk and street light conduit along Elk Vale Road be approved with the stipulation that the applicant sign a waiver of right to protest the future assessment for these improvements. Further, staff recommends that the variance to waive the requirement to install sewer along Elk Vale Road be denied without prejudice, as sewer is already constructed along that roadway.

Eglin Street: The relocated portion of Eglin Street lies along the north boundary of the proposed subdivision. Eglin Street is classified as an arterial street requiring that the street be located in a minimum 100 foot wide right-of-way. The developer is responsible for constructing improvements to a collector standard road. Any additional improvements beyond the collector standard road are considered over sizing and are paid for by the City of Rapid City. The applicant has requested a Subdivision Variance to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Eglin Street.

As previously noted, an 11-6-19 SDCL application has previously been approved authorizing construction of the public improvements in Eglin Street. As part of those approved plans, curb, gutter, street light conduit, water, sewer and pavement are being installed along Eglin Street. Those plans call for a bike path to be located along the south side of Eglin Street. However, no sidewalk is identified on those plans for the construction of sidewalk on the north side of Eglin Street. Because of the high volume of vehicular traffic experienced at this location and the potential for tourist oriented businesses (motels, restaurants, etc.) to be constructed in this area, staff cannot recommend approval of the variance to waive the requirement for sidewalk along the north side of Eglin Street. Further, the variance to waive the requirement for that same improvement was previously denied by the City Council. For those reasons, staff recommends that the request for a Subdivision Variance to waive the requirements for curb, gutter, sidewalk, street light conduit, water, sewer and pavement be denied without prejudice.

Staff has received the white receipts indicating that the notices to the owners of property within 250 feet have been mailed.