

STAFF REPORT  
August 9, 2007

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**No. 07SV028 - Variance to the Subdivision Regulations to waive the requirement to increase the pavement width along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 30**

GENERAL INFORMATION:

PETITIONER	Dream Design, Inc. for Word of Hope Wesleyan Church
REQUEST	<b>No. 07SV028 - Variance to the Subdivision Regulations to waive the requirement to increase the pavement width along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The unplatted portion of the NE1/4 SE1/4, lying southeast of Elk Vale Road, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Word of Hope Subdivision, located in the NE1/4 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.1 acres
LOCATION	Northeast of the intersection of Jubilee Lane and Elk Vale Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District - General Commercial District
South:	General Commercial District
East:	Office Commercial District
West:	Light Industrial District - Suburban Residential District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	5/11/2007
REVIEWED BY	Travis Tegethoff / Todd Peckosh

RECOMMENDATION:

**Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to increase the pavement width along Jolly Lane 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.**

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GENERAL COMMENTS: **This staff report has been revised as of July 30, 2007. All revised and/or added text is shown in bold print. This item was continued to the August 9, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat.** On July 17, 2007 staff met with the applicant to discuss the remaining issues for the proposed plat. A Vacation of Section Line Highway (#07VR009) application and an additional application for a Variance to the Subdivision Regulations (#07SV041) will be considered for the property at the August 9, 2007 Planning Commission meeting. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to increase the pavement width along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code be continued to the August 9, 2007 Planning Commission meeting to be heard in conjunction with the associated applications.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to increase the pavement width along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code. The applicant has also submitted a Preliminary Plat (07PL029) to subdivide a 39.49 acre parcel into one 2.1 acre lot and leave the remaining 37.39 acres as an unplatted balance. Another Variance to the Subdivision Regulations (07SV010) is also being reviewed for the subject property. The property is located west of Elk Vale Road at the northern terminus of Jolly Lane. The subject property is currently void of structural development.

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

Jolly Lane: Jolly Lane is located in the southern 240 feet of section line highway along a portion of the east property line of the subject property and is classified as a subcollector street requiring that the street be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer. The applicant is proposing to dedicate the west 33 feet of right-of-way along the east property line as part of this plat. The east 33 feet of right-of-way was dedicated as part of Neff's Subdivision No. 4 (00PL127). The additional right-of-way will create a 66 foot wide right-of-way. Currently, Jolly Lane is constructed with approximately 20 feet of paved surface, curb and gutter. The applicant has requested a variance to waive the requirement to increase the pavement width along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code. Staff noted that the portion of Jolly Lane south of the subject property is an approximate 20 foot wide paved surface with no curb, gutter, or sidewalk and increasing the width of the street adjacent to the subject property would create a discontinuous street section. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to increase the pavement width along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the applicant sign a waiver of right to protest the future assessment for this improvement.

This item was continued to the June 21, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. This item was continued to the July 5, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. This item was

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continued to the July 26, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. **This item was continued to the August 9, 2007 Planning Commission meeting to be heard in conjunction with the Preliminary Plat. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to increase the pavement width along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code be approved with one stipulation.**