

STAFF REPORT
November 8, 2007

No. 07SV054 - 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 Chapter 16.16 of the Rapid City Municipal Code

ITEM 48

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	ZCO Incorporated
REQUEST	No. 07SV054 - 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 Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The unplatted balance of the NW1/4 NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 8, 9, 17, 22 and 23 of Marlin Industrial Park, located in the unplatted portion of the NW1/4 NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 31.11 acres
LOCATION	East of South Highway 79 and south of Elk Vale Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District - General Commercial District (Planned Residential Development)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/28/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

STAFF REPORT
November 8, 2007

No. 07SV054 - 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 Chapter 16.16 of the Rapid City Municipal Code

ITEM 48

RECOMMENDATION:

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 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 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. In addition, the applicant has submitted a Preliminary Plat (#07PL132) application to subdivide a portion of the property.

The property is located east of South Highway 79 and south of Elk Vale Road. Currently, the property is void of any structural development.

Elk Vale Road: Elk Vale Road, lying directly adjacent to the proposed subdivision, is identified as an arterial street on the Major Street Plan. 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.

There is no curb, gutter, sidewalk, sewer, water 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, water, sewer 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 and the variance to waive the requirement to install sewer along Elk Vale Road be denied without prejudice.

Notification: As of this writing, the receipts from the required notification of surrounding property owners have not been returned. Staff will notify the Planning Commission at the November 8, 2007 Planning Commission meeting if this requirement have not been met.