

STAFF REPORT  
October 23, 2008

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**No. 08SV046 - Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Centre Street as per Chapter 16.16 of the Rapid City Municipal Code** **ITEM 25**

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GENERAL INFORMATION:

APPLICANT	Steve Wynia
AGENT	Britton Engineering & Land Surveying, Inc.
PROPERTY OWNER	Eagles Lodge
REQUEST	<b>No. 08SV046 - Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Centre Street as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lots 9 and 10 of Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 9R and 10R of Cambell Square Addition, located in Government Lot 4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.188 acres
LOCATION	1410 Centre Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District - Light Industrial District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/12/2008
REVIEWED BY	Travis Tegethoff / Ted Johnson

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**RECOMMENDATION:**

Staff recommends that the Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Centre Street 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:** (Update: October 14, 2008. All revised and/or added text is shown in bold). This item was continued to the October 23, 2008 Planning Commission meeting to allow the applicant to submit the required information for the associated Preliminary Plat (#08PL130) application. On October 10, 2008 the applicant submitted additional information for review and approval. Centre Street is an existing paved road with sewer and water, the developer has not generally been required to reconstruct the existing paved road; rather they have been required to sign a waiver of right to protest an assessment project for future improvements. In addition, the associated Preliminary Plat (#08PL130) does not create an increase in density and the street improvements would create a discontinuous street section. As such, staff recommends that the Variance to the Subdivision Regulations be approved with the above stated stipulation.

The applicant has submitted a Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Centre Street as per Chapter 16.16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Preliminary Plat (#08PL130) to reconfigure two existing lots to create a 0.81 acre lot and a 1.38 acre lot. The property is located north of Centre Street between Cambell Street and Creek Drive. Currently a commercial structure and a parking lot are located on the property.

On January 15, 2007 City Council denied without prejudice a Layout Plat (#06PL123) for the property at the applicant's request.

On July 7, 2008 City Council approved a Layout Plat (#08PL081) for the property with the following stipulations:

1. Upon submittal of a Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary;
2. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations

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- shall be obtained;
3. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
  4. Upon submittal of a Preliminary Plat application, road construction plans for Centre Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained;
  5. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required;
  6. Upon submittal of a Preliminary Plat application, a cost estimate for the subdivision improvements shall be submitted for review and approval;
  7. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees shall be paid as required;
  8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  9. The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

**STAFF REVIEW:**

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

**Centre Street:** Centre Street is located along the south lot line of the subject property and is classified as an industrial street on the City's Major Street Plan requiring that the street be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. Currently, Centre Street is shown with a 66 foot wide right-of-way and has an approximate 24 foot wide paved surface. The applicant has submitted Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Centre Street as per Chapter 16.16 of the Rapid City Municipal Code. As Centre Street is an existing paved road with sewer and water, the developer has not generally been required to reconstruct the existing paved road; rather they have been required to sign a waiver of right to protest an assessment project for future improvements. In addition, the associated Preliminary Plat (#08PL130) does not create an increase in density and the street improvements would create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to reduce the pavement width from 26 feet to 24 feet and to

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waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Centre Street 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 any future assessment for the improvements.