

STAFF REPORT
December 8, 2005

No. 05SV078 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and additional pavement and to waive the requirement to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	BFA, Inc. for Wal-Mart Stores, Inc.
REQUEST	No. 05SV078 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement and to waive the requirement to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of the W1/2 of the NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the W 1/16th corner of Sections 26 and 35, T1N, R7E, BHM, Thence S00°00'22"W, along the west 1/16th line of Section 35, a distance of 868.95 feet to the point of beginning; Thence, first course; S00°00'22"W, along the west 1/16th line of Section 35, a distance of 467.76 feet to the NW1/16th corner of Section 35; Thence second course: S00°00'00"W, along the west 1/16th line of Section 35, a distance of 1331.21 feet; Thence, third course: N89°25'54"W, along the north right-of-way line of Sammis Trail, a distance of 1430.94 feet; Thence, fourth course: N17°10'59"E, along the east right-of-way line of S.D. Highway 16, a distance of 518.88 feet; Thence, fifth course: N64°24'55"W, along said east line, a distance of 35.03 feet; Thence, sixth course; N06°41'13"E, along said east line, a distance of 820.33 feet, to a point on the N 1/16th line of Section 35; Thence seventh course: N06°40'10"E, along said east line, a distance of 598.55 feet; Thence eighth course: S83°15'19"E, a distance of 1152.16 feet, to the point of beginning. Said Parcel contains 2,352,215 square feet or 54.00 acres more or less.
PARCEL ACREAGE	Approximately 54.00 acres
LOCATION	East of U.S. Highway 16 and north of Sammis Trail
EXISTING ZONING	General Agriculture District

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SURROUNDING ZONING

North: General Commercial District (Planned Commercial Development)
South: Highway Services District - General Agriculture District (Pennington County)
East: General Agriculture District - Limited Agriculture District (Planned Commercial Development)
West: General Commercial District (Planned Commercial Development)

PUBLIC UTILITIES City sewer and water

DATE OF APPLICATION 11/14/2005

REVIEWED BY Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement and to waive the requirement to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code be continued to the January 5, 2006 Planning Commission meeting to allow a correct legal description to be submitted.

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, sewer, and additional pavement and to dedicate additional right-of-way. In addition, the applicant has submitted an Initial Planned Commercial Development to allow a 217,572 square foot department store and a convenience store to be constructed on the subject property. (See companion item 05PD077.)

On October 27, 2005, the Planning Commission and, subsequently, the City Council, continued a Layout Plat to subdivide the subject property into six commercial lots and a Rezoning request to change the zoning designation of the subject property from General Agriculture District to General Commercial District. In particular, these items were continued to allow the applicant to address traffic and utility concerns. (See companion items 05PL129 and 05RZ047.)

The property is located in the northeast corner of the intersection of Moon Meadows Drive and U.S. Highway 16 and is currently void of any structural development.

STAFF REVIEW:

Upon review of the Variance to the Subdivision Regulations application, staff noted that the

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legal description, as submitted by the applicant, is incorrect. As such, staff is recommending that this item be continued to the January 5, 2006 Planning Commission meeting to allow a correct legal description to be submitted.