

STAFF REPORT
December 7, 2006

No. 06SV069 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks, curb, gutter, street light conduit, sewer and water main along Mall Drive and N. Maple Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Judy Lien
REQUEST	No. 06SV069 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks, curb, gutter, street light conduit, sewer and water main along Mall Drive and N. Maple Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2, 3 and 4 of LJS Subdivision, formerly a portion of the unplatted balance of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.38 acres
LOCATION	N. Maple Avenue and Mall Drive
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Shopping Center-2 District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/27/2006
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement

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to install sidewalks, curb, gutter, street light conduit, sewer and water main along Mall Drive and N. Maple Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **January 4, 2007** Planning Commission meeting to allow the applicant to submit additional information.

GENERAL COMMENTS:

(Update, November 25, 2006. All revised and/or added text is shown in bold print.) This item was continued at the November 22, 2006 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the January 4, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified below.

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 Mall Drive and N. Maple Avenue and to reduce the pavement width from 40 feet to 26 feet along Mall Drive as they abut the subject property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into three lots leaving a non-transferable unplatted balance. (See companion item No. 06PL175.)

The property is located in the southeast corner of the intersection of Mall Drive and N. Maple Avenue. Currently, the property is void of any structural development.

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

During the review of the associated Layout Plat, staff noted that an existing 12 inch water main is located along the north-south portion of N. Maple Avenue, including that portion of the street abutting proposed Lot 4. In addition, a water main, owned by and utilized for Rushmore Mall, is located in the balance of N. Maple Avenue as it abuts the subject property. A 12 inch water main is also located along Mall Drive up to the northwest corner of proposed Lot 2. It appears that the water main must be extended along Mall Drive and/or N. Maple Avenue in order to serve Lot 2. In addition, an eight inch sewer main is located along N. Maple Avenue, with the exception of that portion of the street abutting proposed Lot 4. To date, a sewer main has not been constructed along Mall Drive as it abuts the subject property. Due to the topography of the subject property, it is unclear if the sewer along N. Maple Avenue can gravity sewer all of the subject property. The applicant has not submitted a utility master plan demonstrating service to the lots. As such, staff is recommending that the associated Layout Plat and the Variance to the Subdivision Regulations be continued to allow the applicant to submit the additional information.

Legal Notification Requirement: The receipts from the certified mailings have been returned.