

STAFF REPORT  
May 10, 2007

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**No. 07SV023 - Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sidewalk along both sides of the access easement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 36**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 07SV023 - Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sidewalk along both sides of the access easement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	<p>A parcel of land located in the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota thence S54°36'14"W 858.71' to a point on the southerly right-of-way line of East Mall Drive, said point being the Point of Beginning; Thence following the southerly right-of-way line of East Mall Drive N89°53'22"E a distance of 315.35'; Thence departing said southerly right-of-way line of East Mall Drive S00°00'00"E a distance of 29.38'; Thence with a curve turning to the left with an arc length of 25.01', with a radius of 118.00', with a chord bearing of S06°04'18"E, with a chord length of 24.96'; Thence S12°08'36"E a distance of 60.47'; Thence with a curve turning to the right with an arc length of 25.01', with a radius of 118.00', with a chord bearing of S06°04'18"E, with a chord length of 24.96'; Thence S00°00'00"E a distance of 44.47'; Thence S90°00'00"W a distance of 333.35'; Thence N00°00'00"E a distance of 182.00'; to the aforesaid southerly right-of-way line of East Mall Drive to the Point of Beginning, having an area of 59,268 square feet, 1.36 acres, and, a parcel of land located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter (C1/4) corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota thence S37°45'00"W 628.29' to a point on the southerly right-of-way line of East Mall Drive, said point being the Point of Beginning; Thence following the said southerly right-of-way line of East Mall Drive N89°53'22"E a distance of 385.03' to a</p>

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---

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point on the south quarter line of the aforesaid Section 28; Thence departing said southerly right-of-way line of East Mall Drive and following said south quarter line of Section 28 S00°02'40"E a distance of 183.35'; Thence departing the said south quarter line of the Section 28 S90°00'00"W a distance of 367.18'; Thence N00°00'00"E a distance of 44.47'; Thence with a curve turning to the left with an arc length of 25.01', with a radius of 118.00', with a chord bearing of N06°04'18"W, with a chord length of 24.96', Thence N12°08'36"W a distance of 60.47'; Thence with a curve turning to the right with an arc length of 25.01', with a radius of 118.00', with a chord bearing of N06°04'18"W, with a chord length of 24.96', Thence N00°00'00"E a distance of 29.38' to the said southerly right-of-way line of East Mall Drive and the Point of Beginning, having an area of 68,687 square feet, 1.58 acres, and, a parcel of land located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the center one-quarter (C1/4) corner of said Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota thence S00°02'40"E 679.39' to a point on the south quarter line of aforesaid Section 28, said point being the Point of Beginning; Thence following said south quarter line of Section 28 S00°02'40"E a distance of 741.31' to the northerly right-of-way line of Offutt Street; Thence following said northerly right-of-way line of Offutt Street N89°50'04"W a distance of 580.15'; Thence departing said northerly right-of-way line of Offutt Street N00°00'05"E a distance of 739.63'; Thence N90°00'00"E a distance of 579.55' to the aforesaid south quarter line of Section 28 and the Point of Beginning, having an area of 429,361 square feet, 9.86 acres.

PROPOSED  
LEGAL DESCRIPTION

Lots 1, 2 and 3 of Forefather Flats Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota

PARCEL ACREAGE

Approximately 12.8 acres

LOCATION

East of Dyess Avenue and north of Interstate 90

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---

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EXISTING ZONING	General Commercial District w/ a Planned Development Designation
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Commercial District
West:	General Commercial District - Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/13/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

**RECOMMENDATION:**

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sidewalk along both sides of the 54 foot wide access and utility easement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. That a sidewalk be constructed along one side of the 54 foot wide access and utility easement.

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide street light conduit and a sidewalk along the east side of the proposed 54 foot wide access and utility easement. In addition, the applicant has submitted a Preliminary Plat (#07PL060) to create three lots leaving a 52.83 acre unplatted balance.

The applicant has also submitted a Master Plan showing the future development of the entire 66.68 acres in four phases. The proposed commercial development is to be known as "Foursquare Property Development" and will include approximately 605,000 square feet of commercial use.

The subject property is located east of Dyess Avenue and north of Interstate 90. 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:

**Access Easements:** The associated Preliminary Plat identifies a 54 foot wide access and utility easement along the common lot line between Lot 1 and Lot 2 to serve as access to Lot 3.

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---

**ITEM 36**

The easement is classified as a commercial street requiring that the street be located in a minimum 59 foot wide easement or right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The construction plans show the street being constructed as a commercial street with the exception of a sidewalk along the east side of the easement and street light conduit. Constructing a sidewalk along one side only of the access easement will provide pedestrian access between the proposed commercial use(s) within the development. In addition, lighting will be provided within the adjacent parking lots as per the Parking Regulations. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit and sidewalk along both sides of the access easement be approved with the stipulation that a sidewalk be provided along one side of the easement. The applicant should be aware that a Variance to the Subdivision Regulations is needed to reduce the width of the access easement from 59 feet to 54 feet or the associated Preliminary Plat must be revised to show a minimum 59 foot wide easement.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 10, 2007 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.