

STAFF REPORT

June 5, 2008

No. 08SV030 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet; to waive the requirement to install sidewalk along the north side of East Mall Drive; to waive the requirement to install asphalt, curb, gutter, sidewalk, street light conduit, water, sewer and additional right-of-way along Beale Street; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Rapid Center, LLC
REQUEST	No. 08SV030 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet; to waive the requirement to install sidewalk along the north side of East Mall Drive; to waive the requirement to install asphalt, curb, gutter, sidewalk, street light conduit, water, sewer and additional right-of-way along Beale Street; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	An unplatted portion of the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 3 of Block 1 of the Gateway Subdivision, located in the SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 14.208 acres
LOCATION	North of Interstate 90 and south of East Mall Drive between Dyess Avenue and North Elk Vale Road
EXISTING ZONING	General Commercial District (Planned Commercial Development)

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SURROUNDING ZONING

North:	General Commercial District
South:	General Commercial District - Light Industrial District (Planned Development Designation) - Light Industrial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District

PUBLIC UTILITIES City sewer and water

DATE OF APPLICATION 4/25/2008

REVIEWED BY Vicki L. Fisher / Ted Johnson

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 and to reduce the width of the access easement from 59 feet to 26 feet; to waive the requirement to install sidewalk along the north side of East Mall Drive; to waive the requirement to install asphalt, curb, gutter, sidewalk, street light conduit, water, sewer and additional right-of-way along Beale Street; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code be continued to the **June 26, 2008** Planning Commission meeting.

GENERAL COMMENTS:

(Update, May 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 22, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the June 26, 2008 Planning Commission meeting.

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 and to reduce the width of the proposed access easements from 59 feet to 26 feet, to waive the requirement to install sidewalk along the north side of East Mall Drive, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement and additional right-of-way along Beale Street; and, to waive the requirement to install curb,

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gutter, sidewalk, street light conduit, water and sewer along Interstate 90 as they abut the property. In addition, the applicant has submitted a Preliminary Plat (File #08PL066) to subdivide the property into three lots leaving an approximate 36 acre non-transferable unplatted balance. The applicant has also submitted a Final Commercial Development Plan (File #08PD020) to construct a 139,620 square foot retail store to be known as "Sam's Club" on proposed Lot 1 and to construct a gas station and carwash on proposed Lot 3.

On June 4, 2007, the City Council approved a Preliminary Plat application (File# 07PL060) to create three lots, which included Phase One and Phase Two of the proposed "Rapid Center" development.

On June 18, 2007, the City Council approved a Fence Height Exception (File# 07FV003) to allow a six foot high galvanized chain link fence to be constructed along the south side of the property as it abuts Interstate 90.

On June 20, 2007, the City approved a Final Plat (File #07PL078) creating Lots 1, 2 and 3 of Forefather Flats Subdivision, which included Phase One and Two of the proposed "Rapid Center" development.

On July 26, 2007, the Planning Commission approved an Initial Commercial Development Plan (File #07PD046) to allow a commercial development on 53.71 acres, which included this property. The applicant indicated that the commercial development would include 569,000 square feet of commercial use(s). In addition, the applicant indicated that the development would be known as "Rapid Center" and would be constructed in four phases.

On September 6, 2007, the Planning Commission approved a Final Commercial Development Plan (File #07PD071) to construct an 80,028 square foot retail sporting and hunting goods store to be known as "Cabela's" on Lot 3 of Forefather Flats Subdivision.

The property is located north of Interstate 90 and south of East Mall Drive and is currently void of any structural development.

STAFF REVIEW:

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

Infrastructure Improvements: Construction plans have been submitted for review and approval as a part of the associated Preliminary Plat application. The construction plans show the

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construction of access streets, utilities, and drainage improvements for the proposed commercial development. However, additional information must be submitted for review and approval in order to determine that all of the infrastructure improvements are being provided for this development. Until the information is submitted, staff can not determine if all of the Variance to the Subdivision Regulations can be supported as requested. As such, staff is recommending that this item be continued to allow the applicant to submit the additional information as identified. In particular, a plan and profile for the water main(s) must be submitted for review and approval. In addition, water and wastewater flow calculations must be submitted for review and approval. Additional drainage information must also be submitted for review and approval providing stormwater flow and piping capacity calculations for downstream of the site. Pedestrian access routes from E. Mall Drive to the proposed commercial use(s) and between the use(s) must also be submitted for review and approval.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 22, 2008 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.

Staff is recommending that the Variance to the Subdivision Regulations be continued to the **June 26, 2008** Planning Commission meeting to allow the applicant to submit the additional information as outlined above.