

STAFF REPORT
June 26, 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 and sewer 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

ITEM 63

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 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 asphalt, curb, gutter, sidewalk, street light conduit, water and sewer 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)

STAFF REPORT
June 26, 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 and sewer 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

ITEM 63

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 sidewalk along both sides of E. Mall Drive be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Beale Street be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;**

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Interstate 90 be approved with the following stipulation:

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;**

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer and to reduce the width of the access easement(s) from 59 feet to 26 feet be approved with the following stipulation:

- 1. Lighting shall be provided throughout the parking lot and along the access easement as needed and utilities shall be extended to serve the property as per the Final Commercial Development Plan; and,**

STAFF REPORT
June 26, 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 and sewer 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

ITEM 63

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the north/south leg of the access easements extending south from Mall Drive at Approach No. 2 and Approach No. 3 be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the east/west leg of the access easement extending through Lot 6 shall be approved with the following stipulation:

- 1. That a sidewalk shall be provided along the north side of the access easement.**

GENERAL COMMENTS:

(Update, June 18, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 5, 2008 Planning Commission meeting to allow the applicant to submit additional information. On June 6, 2008, the applicant submitted a revised plat document, water and wastewater flow calculations, a storm sewer report, an Erosion and Sediment Control Permit and a revised Master Plan.

(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, 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)

STAFF REPORT
June 26, 2008

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ITEM 63

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 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

STAFF REPORT
June 26, 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 and sewer 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

ITEM 63

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.

As previously indicated, the applicant has submitted additional information for review and approval. As such, staff has reviewed the Variance to the Subdivision Regulations request and has noted the following considerations:

Interstate 90: Interstate 90 is located along the south lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan. To date, curb, gutter, sidewalk, street light conduit, water and sewer have not been constructed along the street. Requiring that the street be improved as it abuts the subject property will create a discontinuous street section. In the past, the Planning Commission and the City Council have granted similar requests when the improvement would create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

Beale Street: Beal Street is located within the Interstate 90 right-of-way and serves as service roads along the Interstate Highway. The street is classified as commercial streets requiring that it be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the street is constructed with an approximate 20 foot wide paved surface. Requiring that the street be improved as it abuts the subject property will create a discontinuous street section. In the past, the Planning Commission and the City Council have granted similar requests when the improvement would create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvements.

E. Mall Drive: E. Mall Drive is located along the north lot line of the subject property and is classified as a principal arterial street requiring that it be located in a minimum 100

STAFF REPORT
June 26, 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 and sewer 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

ITEM 63

foot wide right-of-way and constructed with a minimum 36 foot wide paved surface with no on-street parking, curb, gutter, sidewalk, street light conduit, water and sewer. The street is currently located in a 100 foot wide right-of-way and constructed with three 12 foot wide paved lanes, curb, gutter, sidewalk along the south side, street light conduit, water and sewer. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install a sidewalk along the north side of E. Mall Drive. However, the applicant is only required to show the sidewalk on his construction plans. The sidewalk is not required to be constructed until a building permit is issued. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along the north side of E. Mall Drive be denied.

Access Easements: The Preliminary Plat identifies access easements extending from East Mall Drive through the development. The easements range in width from 65 feet to 26 feet. However, the easements are classified as commercial streets requiring that they be located in a minimum 59 foot wide easement and/or right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The site plan submitted with the associated Final Commercial Development Plan identifies that lighting is being provided as required to serve the parking lot(s) and the access aisles. Utilities are also being extended through the site to provide service to the proposed commercial development. The applicant has requested that the Final Commercial Development Plan serve as a tool to insure lighting, separation between the parking area and the access street and utility extensions as needed. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water and sewer be approved with the stipulation that lighting be provided throughout the parking lot and along the access easement as needed and utilities be extended to serve the property as per the Final Commercial Development Plan.

The applicant has also requested a Variance to waive the requirement to provide sidewalk along both sides of the access easements. However, the construction plans show a sidewalk being constructed along both sides of the north/south leg of the access easements extending south from Mall Drive at Approach No. 2 and Approach No. 3. In addition, a sidewalk is shown along the north side of the access easement as it extends through Lot 6. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the north/south leg of the access easements extending south from Mall Drive at Approach No. 2 and Approach No. 3 be denied without prejudice. In addition, staff is

STAFF REPORT
June 26, 2008

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ITEM 63

recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of the east/west leg of the access easement extending through Lot 6 be approved with the stipulation that a sidewalk be provided along the north side of the easement.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has received several inquires regarding this proposal.