

TO THE RAPID CITY PLANNING COMMISSION RE: ITEM 13 NO. 10PL028 AND ITEM 14 NO. 10SV007

Dream Design International, Inc. (DDI) submits the following regarding the above matters presently scheduled for hearing on July 22, 2010:

1. The property involved consists of 12.07 acres located adjacent to Airport Road.
2. DDI has submitted a preliminary plat for development of 2 lots with access shown to Airport Road.
3. DDI has also submitted a request for variance to waive the subdivision regulation requirements for installation of pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line abutting both the property in question and Airport Road which was platted and built by the City of Rapid City.
4. In spite of the fact that Airport Road is clearly a public road designated on the City of Rapid City's Major Street Plan (attached Exhibit A) as an arterial and the fact that the major street plan identifies the access approach shown on the preliminary plat (Aviation Rd.) as a future collector connecting to Airport Road and continuing on to the east and the fact that the staff report recommends that prior to preliminary plat approval, construction plans must be submitted showing the collector with a minimum 60' wide right of way and constructed with a minimum 24-foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a variance to the subdivision regulations must be obtained, the City through the Airport Board has taken the position that Airport Road is a private drive and has denied access.

5. The Airport Road, through its Airport Manager did indicate that access would not be granted unless:

(a) It is a leased easement;

(b) Airport has control on the type of development that can be done on that property.

(c) Airport would not allow a business such as parking lot or leased cars to be located on the property with access to Airport Road.

6. DDI has been advised by legal counsel that protecting a discrete interest group from economic competition is not a legitimate governmental interest and that Airport Road has clearly been dedicated to the public and accepted and used as such and is a public road.

7. Evidence of such dedication and acceptance is shown by the City's Major Street Plan, the proposed requirement that DDI provide construction plans for the intersecting collector as a condition of preliminary plat approval and access to Airport Road from the east was approved by this Planning Commission on March 8, 2007 for Bar PS Subdivision based on an access easement filed in 1998 designating access to Airport Road as a public street.

8. The existence of the section line adjacent to Airport Road does not serve to permit access as the construction of a road immediately adjacent to Airport Road would create significant safety issues and side by side approaches from Highway 44 would not be approved.

9. DDI respectfully submits that the positions taken by City staff and the Airport Board are unreasonable and constitute an attempted taking of property without compensation, as well as an inappropriate attempt to prevent competition.

10. DDI needs to get this matter addressed and respectfully requests that the Planning

Commission act on its requests and grant the variance requested, as well as approving the proposed preliminary plat access with stipulations.

11. DDI will be present with counsel to address the above and answer any questions.

APPLICANT, DREAM DESIGN INTERNATIONAL, INC.

by Renee Cation Blau for Hani Shafiq  
Its: Office Manager