

STAFF REPORT
October 7, 2010

No. 10SV020 - Variance to the Subdivision Regulations to waive the requirement to install water along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 12

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	Mall Drive LLC
REQUEST	No. 10SV020 - Variance to the Subdivision Regulations to waive the requirement to install water along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of the NW1/4 SE1/4 and a portion of Lot E of the S1/2 SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Block 1, and dedicated Business Park Drive Right-of-way, Gateway Business Park Subdivision located in the W1/2 of the SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 32.39 acres
LOCATION	Between East Mall Drive and Interstate 90, west of Elk Vale Road
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Light Industrial District
East:	General Commercial District (Planned Commercial Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/10/2010
REVIEWED BY	Vicki L. Fisher / Karley Halsted

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install water along Interstate 90 as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #10PL061) to subdivide the property into two lots leaving a non-transferable balance. The lots are to be known as Lots 1 and 2 of Block 1, Gateway Business Park Subdivision. The applicant has also submitted an Initial and Final Planned Commercial Development (File 10PD052) application to construct a 154,064 square foot hotel in the southeast corner of proposed Lot 2 as Phase One of the Gateway Business Park development.

The property is located between East Mall Drive and Interstate 90 at the southern terminus of Dakota Craft Drive. 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:

Interstate 90: Interstate 90 is located along the south lot line and is classified as a principal arterial street requiring that it be located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. To date, curb, gutter, sidewalk, street light conduit and water have not been constructed along Interstate 90. As such, the applicant has submitted an Exception request to waive the requirement to install curb, gutter, sidewalk and street light conduit along Interstate 90. In addition, the applicant has submitted this Variance request to waive the requirement to install water along Interstate 90.

The City's Master Utility Plan does not identify a water main along this portion of Interstate 90. In addition, a water main located north of Interstate 90 along E. Mall Drive and a water main located south of Interstate 90 along Edwards Street provides water service to all of the adjacent properties. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide water along Interstate 90 be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the October 7, 2010 Planning

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Commission meeting if this requirement has not been met.