

STAFF REPORT  
March 24, 2011

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**No. 11SV003 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement and to reduce the width of the access easement from 59 feet to a varying width of 40 feet to 26 feet and to waive the requirement to install water and sewer along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 10**

GENERAL INFORMATION:

APPLICANT	Rubloff Rapid City, LLC
AGENT	FMG, Inc.
PROPERTY OWNER	Rubloff Rapid City, LLC
REQUEST	<b>No. 11SV003 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement and to reduce the width of the access easement from 59 feet to a varying width of 40 feet to 26 feet and to waive the requirement to install water and sewer along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 1R of Five Star Subdivision located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Proposed Lot A of Lot 1R and Lot B of Lot 1R of Five Star Subdivision
PARCEL ACREAGE	Approximately 4.5 acres
LOCATION	West of Haines Avenue, south of Disk Drive and north of Interstate 90
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District - General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District

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PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/25/2011
REVIEWED BY	Vicki L. Fisher / Karley Halsted

**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 along the access easement and to reduce the width of the access easement from 59 feet to a varying width of 40 feet to 26 feet be approved; and

That the Variance to the Subdivision Regulations to waive the requirement to install water and sewer 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 curb, gutter, sidewalk, street light conduit, water and sewer along the access easement and to reduce the width of the access easement from 59 feet to a varying width of 40 feet to 26 feet and to waive the requirement to install water and sewer along Interstate 90 as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #11PL014) to subdivide the property, an existing 4.5 acre lot, into two lots. The lots will be sized 2.427 acres and 2.119 acres, respectively and will be known as "Lot A of Lot 1R and Lot B of Lot 1R, Five Star Subdivision.

On February 22, 2011, the City Council approved a Layout Plat (File #11PL003) to subdivide the property into two lots as shown on this Preliminary Plat.

The property is located approximately 1,000 feet west of the intersection of Haines Avenue and Disk Drive on the south side of Disk Drive and north of Interstate 90. Currently, a strip mall is located on proposed Lot A of Lot 1R and a "PetSmart" commercial retail store is located on proposed Lot B of Lot 1R.

**STAFF REVIEW:**

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

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Interstate 90: Interstate 90 is located along the south lot line of the property 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, sewer 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 and sewer along Interstate 90.

The City's Master Utility Plan does not identify a sewer or water main along this portion of Interstate 90. In addition, a water main and a sewer main are located north and east of the property and provide service to the area. 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.

Access Easement: Currently, access aisle(s) extend through the site to serve as access to the parking lot(s) currently constructed on the property. As a result of platting the property into two lots, the applicant is proposing to secure a portion of the access aisle(s) within a 26 foot wide access easement to insure access to each of the lots. The access easement is classified as commercial street requiring that it be located within a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has submitted a Variance request to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer within the access easements and to reduce the width of the access easement from 59 feet to a varying width of 40 feet to 26 feet.

Water and sewer service is currently extended through the property to serve the existing development located on the two proposed lots. Parking lot lights are currently in place to provide illumination within the parking area. The proposed access easement(s) were originally developed as an internal driveway between the two lots. It is not anticipated that they will serve as access to any future lots. As such, 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 a varying width of 40 feet to 26 feet be approved.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 24, 2011 Planning Commission meeting if this requirement has not been met.