

STAFF REPORT
August 25, 2011

No. 11SV011 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and sewer along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 32

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	Cross Country Real Estate LLC
REQUEST	No. 11SV011 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and sewer along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of the NW1/4 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot K of Race Track Subdivision
PARCEL ACREAGE	Approximately 1.350 acres
LOCATION	At the northeast corner of Jolly Lane and East S.D. Highway 44
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Pennington County)
South:	General Commercial District (Rapid City) - General Commercial District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Commercial District (Rapid City) - General Commercial District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	6/24/2011
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 and sewer along Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code be **approved with the following stipulations:**

- 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest**

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2. **any future assessment for the improvements; and,
That sidewalk be provided along the east side of Jolly Lane as proposed.**

GENERAL COMMENTS:

(Update: August 15, 2011. All revised and/or added text is shown in bold print.) This item was continued at the July 21, 2011 Planning Commission meeting to allow the applicant to submit additional information. The applicant has subsequently submitted a revised plat document eliminating Lots L and M, traffic information, revised drainage information, utility information and an Exception to waive the requirement to provide a sidewalk along the south side of S.D. Highway 44.

The applicant has also submitted a Variance to the Subdivision Regulations (File #11SV012) to reduce the pavement width of Jolly Lane from 36 feet to 34 feet.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and sewer along Jolly Lane as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #11PL036) to create three lots, leaving a non-transferable unplatted balance. The lots are to be known as Lots K, L and M of Race Track Subdivision.

On April 3, 2000, the City Council denied without prejudice a Layout Plat (File #00PL019) to subdivide the property into four lots noting drainage issues, approach location issues and subdivision lot layout issues.

On May 7, 2001, the City Council denied without prejudice a Layout Plat (File #01PL018) to subdivide the property into four lots again noting drainage issues, approach location issues and subdivision lot layout issues.

On June 22, 2006, the City Council denied without prejudice a Layout Plat (File #06PL059) to subdivide the property into two lots, leaving a non-transferable unplatted balance. Again it was noted that drainage issues and traffic and approach location issues must be addressed prior to City Council approval of a plat for the property.

On December 1, 2008, the City Council denied without prejudice a Layout Plat (File #08PL061) to subdivide the property creating two lots, leaving a non-transferable balance. In addition, City Council denied without prejudice a Variance to the Subdivision Regulations (File #08SV028) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along S.D. Highway 44 and Jolly Lane.

The property is located in the northeast corner of the intersection of S.D. Highway 44 and Jolly Lane. Currently, the Black Hills Speedway is located on the property.

STAFF REVIEW:

To date, a Traffic Impact Study and a complete drainage plan which includes drainage calculations and analysis have not been submitted for review and approval to support

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waiving the improvements along Jolly Lane as requested. On July 12, 2011, staff met with the applicant(s) and their consultant to discuss the outstanding issues that must be addressed in order for the project to go forward. The applicant anticipates submitting the information for consideration at the August 25, 2011 Planning Commission meeting.

(Update: August 15, 2011.) As previously noted, the applicant has submitted drainage information, utility information, traffic information and a site plan showing the future construction of a sidewalk along the east side of Jolly Lane and the north side of S.D. Highway 44 as they abut proposed Lot K. Rapid Valley Sanitary District has reviewed the utility information and noted that a sewer main is not needed along this section of Jolly Lane in order to serve the area. In addition, the drainage information demonstrates that the existing ditch section can accommodate drainage flows along this portion of the street. The property owner along the west side of Jolly Lane will be required to provide a sidewalk along the west side of Jolly Lane as a part of any future building permit requested for the site. The applicant has indicated a sidewalk will be provided along the east side of Jolly Lane and the north side of S.D. Highway 44 as a part of a proposed building permit to construct a convenience store on proposed Lot K.

Based on the reasons as noted above, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and sewer along Jolly Lane 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 and that a sidewalk be provided along the east side of Jolly Lane as proposed.

Legal Notification Requirement: The white slips and green cards from the certified mailings have been returned. As of this writing, staff has not received any calls or inquiries regarding this request.