

STAFF REPORT
January 26, 2012

No. 11SV024 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Interstate 90, to reduce the width of the common access and parking easement from 59 feet to 40 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the common access and parking easement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Kent R. Hagg - Hagg Development, Inc.
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Mall Drive, LLC
REQUEST	No. 11SV024 - Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Interstate 90, to reduce the width of the common access and parking easement from 59 feet to 40 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the common access and parking easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	NW¼ of SE¼ North of Interstate 90 Less Lot H13, less the Mall Drive Subdivision, less the Gateway Business Park Subdivision and less right of way; Lot E of the S½ of the SE¼ less the Gateway Business Park Subdivision all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2, 3 and 4 of Block 1 of Gateway Business Park Subdivision
PARCEL ACREAGE	Approximately 29.01 acres
LOCATION	Southwest of the intersection of East Mall Drive and Outfitter Road
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING North:	General Commercial District (Planned Commercial Development)

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South:	Light Industrial District
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	12/30/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Interstate 90; to reduce the width of the common access and parking easement from 59 feet to 40 feet; and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the common access and parking easement as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to approval by the City Council, construction plans shall be submitted for review and approval showing a pedestrian walkway being provided through the property.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Interstate 90 as it abuts the property; to reduce the width of the access/parking easement from 59 feet to 40 feet; and to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water and sewer per Chapter 16.16 of the Rapid City Municipal Code. The applicant has submitted an associated Preliminary Plat (File #11PL077) to create 3 lots, leaving an unplatted, non-transferable balance. The lots are to be known as Lots 2, 3, and 4 of Block 1, Gateway Business Park Subdivision.

The property is located between East Mall Drive and Interstate 90 immediately west of Outfitter 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:

Access/Parking Easement: The Preliminary Plat identifies a 40 foot wide access/parking easement extending through Lots 3 and 4 to provide internal access and circulation between the properties. The access/parking easement is classified as a commercial street requiring

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that it be located within a minimum 59 foot wide easement with a minimum 26 foot wide paved surface, curb, gutter, water, sewer, streetlight conduit and sidewalks. The request for a Variance to the Subdivision Regulations seeks to reduce the required 59 foot wide easement to 40 feet wide. In addition, the Variance to the Subdivision Regulations seeks to waive the requirement for all subdivision improvements with the exception of the paved surface.

The properties are located within a Planned Commercial Development (File #07PD007). The applicant has indicated that lighting, utility services, drainage, stormwater management, and pedestrian circulation will be addressed as part of an Initial and Final Planned Development. The applicant has also indicated that the paved surface will meet Rapid City design standards. The Master Plan for the property identifies that the proposed access/parking easement will function as a driveway for the proposed development, rather than a street. Based on these reasons, staff recommends approval of the request for a Variance to the Subdivision Regulations to reduce the width of the access/parking easement, as well as waive the requirement to install curb, gutter, water, sewer and streetlight conduit. However, based on the necessity to provide pedestrian access through the site, staff recommends that prior to City Council approval, construction plans be submitted for review and approval showing a pedestrian walkway being provided through the site. The applicant should be aware that the pedestrian walkway must be shown on the construction plans as a part of the Preliminary Plat application but are not required to be constructed until a building permit is obtained. Please note that the location of the pedestrian walkway may be altered as a part of the Initial and Final Planned Commercial Development for the property once the applicant has finalized the design plans for the site.

Interstate 90: Interstate 90 is located along the south lot line of Lot 2 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. The applicant submitted an Exception request to waive the requirement to install curb, gutter, sidewalk and street light conduit along Interstate 90 which has been granted by the Public Works Department. The applicant has also 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 water main along this portion of Interstate 90. In addition, a water main located north of Interstate 90 along East Mall Drive and a water main located south of Interstate 90 along Edwards Street provides water service to all of the adjacent properties. A request for a Variance to the Subdivision Regulations was approved by City Council on October 18, 2010 (File #10SV020) that waived the requirement to install water and sewer on Lot 1 of the Gateway Business Park subdivision, adjacent to

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the proposed Lot 2, with the stipulation that the applicant sign a waiver of right to protest future assessments for improvements on the site. The waiver covered all land adjacent to Interstate 90 located within the subdivision and the ownership of the land has not changed. The requirement for a waiver of right to protest for this Preliminary Plat has been met. As such, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide water and sewer along Interstate 90 be approved.

Notification Requirements: As of this writing, the green cards and white receipts of the certified mailing have not been returned to Community Planning and Development Services. The required sign has not been posted on the property. Staff will inform the Planning Commission at the January 26, 2012 Planning Commission meeting if the notification requirements have not been met. At this time, there have been no inquiries regarding this request for a Variance to the Subdivision Regulations.