

STAFF REPORT

December 6, 2001

No. 01SV032 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks **ITEM 16**

GENERAL INFORMATION:

PETITIONER	Ozark Civil Engineering for Lowe's Companies
REQUEST	No. 01SV032 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks
LEGAL DESCRIPTION	Lots 1 and 2 of Lowe's Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 15.07 acres
LOCATION	At the intersection of Haines Avenue and Mall Drive
EXISTING ZONING	General Commercial District (PDD)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Light Industrial District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks along Mall Drive and the proposed access easement be **approved with the following stipulations:**

Engineering Division Recommendations:

1. **That curb and gutter and curb side sidewalks shall be constructed along the south side of Mall Drive; and,**
2. **That curb and gutter and curb side sidewalks shall be constructed along the south side of the proposed access easement.**

GENERAL COMMENTS:

This item was continued at the November 21, 2001 Planning Commission meeting to allow the applicant to meet the legal notification requirement. This Staff Report has been revised as of November 26, 2001. All revised or added text is shown in bold text. The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to install curb, gutter and sidewalks along Mall Drive and the

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proposed access easement.

The applicant has also submitted an Initial and Final Planned Commercial Development to allow a home improvement center to be located on proposed Lot 1. In addition, the applicant has submitted a Preliminary and Final Plat to subdivide the subject property into two lots. (See companion items #01PD050 and #1PL079.)

The property is located at the southeast corner of the intersection of Haines Avenue and Mall Drive and is currently void of any structural development.

STAFF REVIEW:

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

Access Easement: The Engineering Division has indicated that the topographic constraints of the property may limit constructing sidewalks along both sides of the proposed access easement. In particular, the proposed retaining wall to be located along the north side of the access easement may make it difficult to construct a sidewalk along this side of the access road. As such, staff is recommending that the Subdivision Regulations Variance request be approved with the stipulation that curb and gutter and curb side sidewalks be constructed along the south side of the access easement.

Mall Drive: The Engineering Division has indicated that the proposed commercial development on the subject property will increase traffic along Mall Drive, including pedestrian traffic. The applicant's road construction plans identify the reconstruction of Mall Drive to provide two lanes along the north side of Mall Drive extending the length of the subject property and two lanes along the south side of Mall Drive extending 560 feet east from the intersection of Mall Drive and Haines Avenue, past the proposed approach location to the subject property, and merging into one lane approximately 220 feet from the east lot line. To accommodate the pedestrian traffic along Mall Drive that will be generated by the proposed development of the property, staff is recommending that curb and gutter and curb side sidewalks be constructed along the south side of Mall Drive.

During the review of the above referenced Variance to the Subdivision Regulations request, staff identified that the legal description for the subject property on the application was incorrect. As such, staff is recommending that this item be continued to allow the legal notification requirement to be met. **The legal notification, with the corrected legal description, has been completed.**