

STAFF REPORT  
May 26, 2005

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**No. 05SV031 - Variance to the Subdivision Regulations to waive the requirement to dedicate public Right-of-Way, to install pavement, curb, gutter, sidewalks, street light conduit, water and sewer within the private access easement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 68**

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Dr. John Kharouf
REQUEST	<b>No. 05SV031 - Variance to the Subdivision Regulations to waive the requirement to dedicate public Right-of-Way, to install pavement, curb, gutter, sidewalks, street light conduit, water and sewer within the private access easement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 1 of North 80 Subdivision, located in Government Lot 2, SW1/4 of the NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A and B of Lot 1, North 80 Subdivision, Located in Government Lot 2, SW1/4 of the NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington, South Dakota
PARCEL ACREAGE	Approximately 1.647 acres
LOCATION	At the northeast corner of Fifth Street and East Stumer Road
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Office Commercial District
South:	Office Commercial District
East:	Office Commercial District
West:	Office Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/29/2005
REVIEWED BY	Todd Tucker / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate public Right-of-Way and to install curb, gutter, sidewalks, street light conduit, water and

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sewer within the private access easement as per Chapter 16.16 of the Rapid City Municipal Code be denied. Staff also recommends that the Variance to the Subdivision Regulations to waive the requirement for a pavement width of 26 feet be tabled.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate public Right-of-Way, and to install curb, gutter, sidewalks, street light conduit, water and sewer within the private access easement located within the proposed Lot 1A of the North 80 Subdivison. The applicant has also submitted a Preliminary Plat (05PL079) to subdivide a 1.647 acre parcel into two lots. The proposed lots are .946 acres and .701 acres in size.

The property is located at the northeast corner of Fifth Street and East Stumer Road. Currently there is an orthodontics clinic located on the subject property.

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

Access Easement: The associated Preliminary Plat identifies an access easement extending through the proposed Lot 1A and terminating at the south lot line of the proposed Lot 1B. The proposed access easement is classified as a commercial street requiring that the street be located within a minimum 59 foot wide right-of-way or easement and constructed with a minimum 26 foot wide paved surface with curb, gutter, sidewalk, streetlight conduit, water and sewer.

The site plan shows that the access easement will be constructed as a 26 foot wide access aisle with parking on both sides of the aisle. However, the proposed commercial land uses will generate enough traffic that the easement should be constructed to City street standards. As such, the access easement through the proposed Lot 1A must be constructed as a commercial street as identified above. In particular, backing into the access easement must be avoided due to the traffic generated by the proposed land uses. In addition, sidewalks and street lights must be provided along the access easement to insure safe pedestrian access through the development. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, and to dedicate additional right-of-way for interior access easements within the subject property be denied.

Pavement: Staff noted that the proposed access easement is 25 feet wide and located within a paved parking lot. The proposed pavement width in this area is 26 feet. As such, the request to not install pavement at a minimum width of 26 feet shall be tabled as it is not needed.

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Water and Sewer: The Preliminary Plat shows that water and sewer service will be provided to the proposed Lot 1B within a platted water main easement and a sanitary sewer main easement. As such, staff recommends that the request to waive the requirement to install water and sewer within the access easement be approved as service will be provided to the proposed Lot 1B through water main and sanitary sewer easements.

Legal Notification: The receipts from the certified mailings have not been returned as of this writing. Staff will notify the Planning Commission at the May 26, 2005 Planning Commission meeting if this requirement has not been met.