

STAFF REPORT
May 25, 2006

No. 06SV018 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water, and sewer along the access easement; to waive the requirement to install sidewalk along E. Mall Drive; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement and to waive the requirement to dedicate additional right-of-way along Dyess Avenue as per Chapter 16 of the Rapid City Municipal Code **ITEM 42**

GENERAL INFORMATION:

PETITIONER

Dream Design International, Inc.

REQUEST

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EXISTING

LEGAL DESCRIPTION

A tract of land located in the N1/2 SW1/4 of Section 28, T2N, R8E, Black Hills Meridian, in the City of Rapid City more particularly described as follows: beginning at the center 1/4 corner of Section 28, a found rebar and cap, this being the true point of beginning; thence along the east-west 1/4 section line N89°57'47"W a distance of 1603.74 feet; thence along the east-west 1/4 section line N89°57'47"W a distance of 550.00 feet to a found #5 rebar and cap stamped "4224"; thence S00°07'49"E a distance of 200.11 feet to a found #5 rebar and cap stamped "4224"; thence N89°58'18"W a distance of 449.81 feet to a found #5 rebar and cap stamped "4224"; thence N89°58'18"W a distance of 17.00 feet; thence S00°08'31"E a distance of 85.04 feet; thence S14°38'03"E a distance of 118.65 feet; thence S89°57'46"E a distance of 987.10 feet to a found #5 rebar and cap stamped "Arleth and Assoc. LS3977"; thence N89°53'19"E a distance of 1533.39 feet to a found #5 rebar and cap stamped "Arleth and Assoc. LS3977"; thence N89°54'10"E a distance of 69.68 feet; thence N00°02'14"W a distance of 395.87 feet to the point of beginning, said tract of land containing an area of 21.80 acres more or less.

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PROPOSED LEGAL DESCRIPTION	Lots 1 thru 8 of GLM Subdivision No. 2, located in the NW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 21.80 acres
LOCATION	At the northeast corner of the intersection of Dyess Avenue and Interstate 90 and at the eastern terminus of Mall Drive
EXISTING ZONING	General Commercial District/General Agriculture District
SURROUNDING ZONING	
North:	Light Industrial District/Heavy Industrial District/General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/24/2006
REVIEWED BY	Karen Bulman / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along E. Mall Drive 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 improvements.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement for Dyess Avenue 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 any

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future assessment for the improvements.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way for Dyess Avenue as per Chapter 16.16 of the Rapid City Municipal Code be denied.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water, sewer for the access easement as per Chapter 16.16 of the Rapid City Municipal Code be denied.

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, sewer along the access easement; to waive the requirement to install sidewalk along E. Mall Drive; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement and to waive the requirement to dedicate additional right-of-way along Dyess Avenue as per Chapter 16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into eight lots. (See companion item #06PL043.)

The property is located at the northeast corner of the intersection of Dyess Avenue and Interstate 90 and at the eastern terminus of Mall 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:

E. Mall Drive: E. Mall Drive is located along the south lot line of the subject property. E. Mall Drive is classified as a principal arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, E. Mall Drive is being constructed in accordance with City standards with curb, gutter, sewer, water, street light conduit, and sidewalk and a bike path on the south side of E. Mall Drive. Sidewalks are to be placed on both sides of a commercial or industrial street. The applicant is requesting a Variance to the Subdivision Regulations to eliminate the sidewalk on the north side of E. Mall Drive. Due to proposed plans for two additional lanes in the future along E. Mall Drive, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along E. Mall Drive be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

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Dyess Avenue: Dyess Avenue is located along the west lot line of the subject property. Dyess Avenue is a minor arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Dyess Avenue is located within a 66 foot wide right-of-way and is constructed with a minimum 24 foot wide paved surface. Since Dyess Avenue is currently built, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Dyess Avenue be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements. Additional right-of-way is needed for the minor arterial street. As such, Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Dyess Avenue as per Chapter 16 of the Rapid City Municipal Code be denied.

Access Easement: The Preliminary Plat identifies the access and utility easement located along a north/south line at the eastern end of the subject property. A north/south road connection is needed connecting E. Mall Drive to the property located north of the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement be denied.

Notification Requirement: As of this writing, the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the May 25, 2006 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.