

STAFF REPORT
August 10, 2006

No. 06SV033 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06SV033 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1A, 1B, 1C and 1D of Starlite Subdivision, formerly Lot 1, Starlite Subdivision, located in the SW1/4 SW1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.31 acres
LOCATION	At the southeast corner of Beale Street and Dyess Avenue and north of Eglin Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Light Industrial District - General Agriculture District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	Private on-site wastewater and City water
DATE OF APPLICATION	5/12/2006
REVIEWED BY	Vicki L. Fisher / Emily Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Eglin Street, Dyess Avenue and Beale Street be denied;

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That the Variance to the Subdivision Regulations to waive the requirement to install water along Beale Street and Dyess Avenue be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement along Beale Street, Dyess Avenue and Eglin Street 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 these improvements.**

GENERAL COMMENTS:

(Update, July 30, 2006. All revised and/or added text is shown in bold print.) This item was continued at the July 27, 2006 Planning Commission meeting to allow the applicant to submit additional information. The applicant subsequently submitted a revised Preliminary Plat reconfiguring the subject property into two lots in lieu of four lots. As such, access is no longer proposed to be taken from Beale Street.

(Update, July 14, 2006. All revised and/or added text is shown in bold print.) This item was continued at the July 6, 2006 Planning Commission meeting to allow the applicant to submit additional information. In particular, a revised plat document must be submitted for review and approval showing an alternate access to Lot 1C in lieu of Beale Street as stipulated by the South Dakota Department of Transportation. On July 11, 2006, staff met with the applicant to discuss lot configuration and utility issues. The applicant indicated that a revised plat document would be submitted reconfiguring the subject property into two lots in lieu of four lots as currently proposed. In addition, access would no longer be taken from Beale Street. However, as of this writing the revised plat document and associated construction plans have not been submitted. As such, staff is recommending that this item be continued to the August 10, 2006 Planning Commission meeting to allow the applicant to submit the additional information as identified. Please note that no other part of this Staff Report has been revised.

(Update, June 23, 2006. All revised and/or added text is shown in bold print.) This item was continued at the June 22, 2006 Planning Commission meeting to allow the applicant to submit additional information. In particular, a revised plat document must be submitted for review and approval showing an alternate access to Lot 1C in lieu of Beale Street as stipulated by the South Dakota Department of Transportation. As of this writing, the revised plat document and associated construction plans have not been submitted. As such, staff is recommending that this item be continued to the July 27, 2006 Planning Commission meeting to allow the application to submit the additional information as identified. Please note that no other part of this Staff Report has been revised.

(Update, June 14, 2006. All revised and/or added text is shown in bold print.) This item was continued at the June 8, 2006 Planning Commission meeting at the applicant's request. In particular, the applicant indicated that a revised plat document will be submitted showing an

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alternate access to Lot 1C in lieu of Beale Street as stipulated by the South Dakota Department of Transportation. As of this writing, the revised plat document and associated construction plans have not been submitted. As such, staff is recommending that this item be continued to the July 6, 2006 Planning Commission meeting to allow the application to submit the additional information. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a 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 and Beale Street and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and additional pavement along Eglin Street. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into four lots. The applicant has also submitted a Rezoning request to change the zoning designation of the southern portion of the subject property from General Commercial District to Light Industrial District and a Comprehensive Plan Amendment to the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation from General Commercial to Light Industrial. (See companion items #06PL071, 06RZ013 and 06CA013.)

The property is located in the northeast corner of the intersection of Dyess Avenue and Eglin Street. Currently, a chain link fence and an outdoor movie screen are located on the property. The applicant has indicated that the movie screen and fence will be removed upon redevelopment of the property.

STAFF REVIEW:

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

Sewer: The City has recently approved utilizing .16 Funds to extend sewer to the Rushmore Crossing project located west of the subject property. As such, staff is recommending that dry sewer be provided along Beale Street, Dyess Avenue and Eglin Street as a part of this platting procedure to insure that the proposed lots can connect to City sewer upon availability. In particular, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied.

Water: Currently, a water main exists within the Eglin Street right-of-way. However, construction plans have not been submitted for review and approval demonstrating service to Lots 1B and 1C and/or service taps to any of the four lots. It appears that water must be extended along Dyess Avenue and Beale Street in order to provide service to the two northern lots. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water along Dyess Avenue and Beale Street be denied.

Beale Street: Beale Street is located along the north lot line of the subject property and is classified as a commercial street requiring that it be located in a minimum 59 foot wide right-

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of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Beale Street is located in the 300 foot wide I-90 right-of-way that abuts the subject property and serves as a service road along the interstate. Beale Street has been constructed with an approximate 24 foot wide paved surface. Requiring that Beale Street be improved with curb, gutter, sidewalk, street light conduit and additional pavement as it abuts the subject property will create a discontinuous street design. In addition, the South Dakota Department of Transportation has stated that in order to preserve the ability to widen I-90 and to provide a good level of service from Rapid City to Ellsworth Air Force Base, no additional access permits will be granted along Beale Street and that Beale Street will eventually be eliminated. As such, staff is recommending that the Variance to the Subdivision Regulations 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.

Dyess Avenue: Dyess Avenue is located along the west lot line of the subject property and is classified as a minor arterial street on the City's Major Street Plan requiring that it 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, Dyess Avenue is located in an 83 foot wide right-of-way, 50 feet from the subject property and 33 feet from the adjacent property. As such, no additional right-of-way is required from the subject property. In addition, Dyess Avenue has been constructed with an approximate 24 foot wide paved surface. Requiring that Dyess Avenue be improved with curb, gutter, sidewalk, street light conduit and additional pavement as it abuts the subject property will create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations 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.

Eglin Street: Eglin Street is located along the south lot line of the subject property and is classified as a minor arterial street on the City's Major Street Plan requiring that it 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, Eglin Street is located in a 100 foot wide right-of-way and constructed with an approximate 24 foot wide paved surface and water. Requiring that Eglin Street be improved with curb, gutter, sidewalk, street light conduit and additional pavement as it abuts the subject property will create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations 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.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has not received any calls or inquires regarding this proposal.