

STAFF REPORT  
March 22, 2007

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**No. 07SV013 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 29**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 07SV013 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot BR of Lot 2 of the SE1/4 SW1/4 of Section 29; Lot C of Lot 2 of the SE1/4 SW1/4 of Section 29; Tract C of the SW1/4 of Section 29; Lot 1 of the SW1/4 SE1/4 Section 29; Lot A of Lots 1 and 2 on the SE1/4 SE1/4 of Section 29; Lot 1R of Lots 1 and 2 of the SE1/4 SW1/4 of Section 29; unplatted portions of the SW1/4 of Section 29; Lot H-1, located in the N1/2 SE1/4 of Section 30; part of Lots 1 and 2, Block 2 of Rapps Addition, located in the SE1/4 of Section 30; part of Lot M, located in the NW1/4 SE1/4 of Section 30; part of Lot K-4 of Marshall Heights Tract, located in the SW1/4 of Section 30; and the unplatted portions of the SE1/4 of Section 30; and Tract C in the NE1/4 NW1/4 and the NW1/4 NE1/4 of Section 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota.
PROPOSED LEGAL DESCRIPTION	Lots 1 through 7 of Block 1, Tracts A, B, C, D, and E of Block 2, Lots 1 through 9 of Block 3, Tracts G and J, Eglin Street (formerly part Farnwood Avenue), Luna Avenue extension, areas dedicated for public right-of-way purposes, easements and vacation of easements and public right-of-ways of Rushmore Crossing in Sections 29, 30 and 32; all located in T2N, R8E, of the BHM, Rapid City, Pennington County, South Dakota.
PARCEL ACREAGE	Approximately 126.54 acres
LOCATION	Southeast of the intersection of Interstate 90 and North LaCrosse Street
EXISTING ZONING	General Commercial District - General Commercial

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District (Planned Development Designation) - Medium Density Residential District

**SURROUNDING ZONING**

North: General Commercial District - Light Industrial District (Planned Development Designation)  
South: General Agriculture District - Low Density Residential District - Medium Density Residential District - General Commercial District  
East: General Commercial District  
West: General Commercial District

**PUBLIC UTILITIES** City sewer and water

**DATE OF APPLICATION** 2/23/2007

**REVIEWED BY** Vicki L. Fisher / Todd Peckosh

**RECOMMENDATION:**

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 5, 2007 Planning Commission meeting to allow the applicant to submit additional information.

**GENERAL COMMENTS:**

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to dedicate additional rights-of-way and/or easement(s). In addition, the applicant has submitted a Preliminary Plat application (#07PL038) to subdivide the subject property into 24 commercial lots and to vacate a 30 foot wide private access easement, to vacate a portion of a section line highway located between Sections 29 and 32, to vacate a portion of a section line highway located between Sections 29 and 30, to vacate a portion of Rapp Street and to vacate a 66 foot wide public access easement. The applicant has also submitted a Vacation of Right-of-way request (#07VR002) to vacate a portion of Rapp Street currently located in an H Lot. In addition, the applicant has submitted a Vacation of Right-of-way request (#07VR003) to vacate a portion of Farnwood Avenue, also located within an H Lot. The applicant has also submitted an Amendment to the Comprehensive Plan (#07CA010) to change the land use designation of a portion of the subject property, or 0.04 acres, from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development. In addition, the applicant has submitted a Rezoning request (#07RZ015) to change the zoning designation of the 0.04 acre parcel from General Agriculture District to General Commercial District. The applicant has also submitted a Planned Development Designation request (#07PD016) for the 0.04

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acre parcel. The proposed commercial development is to be known as "Rushmore Crossing".

On August 1, 2005, the City Council approved a Layout Plat (#05PL085) to subdivide a 95.28 acre parcel into 17 commercial lots. The Layout Plat included the subject property.

On February 6, 2006, the City Council approved Tax Increment District #56 for the construction of streets, traffic signals, a regional drainage detention dam, high pressure water main and sanitary sewer main and the relocation of power lines associated with the proposed Rushmore Crossing project.

On October 2, 2006, the City Council approved a Layout Plat (#06PL142) to subdivide a 117.29 acre parcel into 15 commercial lots and two detention pond lots. The Layout Plat included the subject property.

The property is located between LaCrosse Street and E. North Street on the south side of U.S. Highway I-90 and is currently void of any structural development.

**STAFF REVIEW:**

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 pavement along Interstate 90, Spruce Street, E. North Street, Sunnyside Avenue and Cambell Street, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Rapp Street and the proposed access easements, and, to waive the requirement to dedicate additional right-of-way along Cambell Street. However, as noted in the associated Preliminary Plat, a Master Utility Plan has not been submitted for review and approval to show where utilities may be required. In addition, construction plans for the access easements have not been submitted for review and approval. Staff is also recommending that the Preliminary Plat be revised to show the extension of Luna Avenue north of Eglin Street which may support the vacation of Spruce Street in lieu of constructing Spruce Street. The applicant has indicated that the Preliminary Plat will be revised to eliminate this portion of the property from the plat in order to further review the future street networking within this area of the property. As such, staff is recommending that the Variance to the Subdivision Regulations be continued to the April 5, 2007 Planning Commission meeting to allow the applicant to submit the additional information as identified.

**Legal Notification Requirement:** The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 22, 2007 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.