

STAFF REPORT

May 8, 2008

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**No. 08SV026 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 33**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	<b>No. 08SV026 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lots 2 and 3 of Block 3 of Rushmore Crossing, located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2A, 2B and 2C of Block 3 of Rushmore Crossing, formerly Lots 2 and 3 of Rushmore Crossing, located in the S1/2 of the SW1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.85 acres
LOCATION	Adjacent to the north side of Eglin Street
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/11/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer 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; and,

That the Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Interstate 90 be denied without prejudice.

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 and additional pavement along Interstate 90 as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (File #08PL053) to subdivide two lots into three lots.

On October 23, 2007, the City approved a Final Plat (File #07PL078) to create 16 commercial lots, including this property.

The property is located north of Eglin Street and south of Interstate 90. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Interstate 90: Interstate 90 is located along the north lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan. To date, curb, gutter, sidewalk, street light conduit, water and sewer have not been constructed along the street. Requiring that the street be improved as it abuts the subject property will create a discontinuous street section. In the past, the Planning Commission and the City Council have granted similar requests when the improvement would create a discontinuous street section. As such, staff is recommending that the Variance to the Subdivisions to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer 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.

The Street Design Criteria Manual requires that a principal arterial street be constructed with a minimum 36 foot wide paved surface. Currently, Interstate 90 exceeds the pavement requirement with four 12 foot wide driving lanes. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide additional pavement be denied without prejudice.

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Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 8, 2008 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.