

STAFF REPORT  
August 21, 2008

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**No. 08SV040 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to reduce the easement width from 59 feet to 26 feet as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 18**

GENERAL INFORMATION:

APPLICANT	Skyline Pines East, LLLP
AGENT	FourFront Design, Inc.
PROPERTY OWNER	Skyline Pines East, LLLP
REQUEST	<b>No. 08SV040 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to reduce the easement width from 59 feet to 26 feet as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The unplatted balance of Lot B of the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 9 of Skyline Pines East Subdivision, located in the SE1/4 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.60 acres
LOCATION	Southwest of the intersection of Tower Road and South Highway 16
EXISTING ZONING	Office Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development Designation)
South:	Office Commercial District (Planned Development Designation)
East:	General Commercial District
West:	Office Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/25/2008

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**ITEM 18**

REVIEWED BY

Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to reduce the access easement width from 59 feet to 26 feet be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water along an access easement extending through the property. In addition, the applicant has submitted a Variance to the Subdivision Regulations to reduce the width of the access easement from 59 feet to 26 feet.

The applicant has previously submitted a Preliminary Plat (File #08PL088) to subdivide the property creating a 1.6 acre lot and leaving an approximate 56.17 acre unplatted balance. In addition, the applicant has previously submitted a Variance to the Subdivision Regulations (File #08SV034) to waive the requirement to install curb, gutter, sidewalk, street light conduit and water along U.S. Highway 16 as it abuts the property. Both items will be considered at the August 21, 2008 Planning Commission meeting.

On January 22, 2008, the City Council approved a Layout Plat (File #07PL172) to create 12 commercial lots to be known as Skyline Pines East, which included this property.

On April 7, 2008, the City Council approved a Preliminary Plat (File #08PL014) to create eight commercial lots as Phase One of Skyline Pines East.

In 2004, a Tax Increment Financing District was approved by the City Council for the reconstruction of Tower Road and infrastructure improvements. In 2007, the City Council approved revisions to the Tax Increment Financing District (#06TI006) to reallocate the project costs.

The property is located south of Tower Road and west of U.S. Highway 16. 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:

Access Easement: The associated Preliminary Plat identifies a 26 foot wide access easement extending from Tower Road through the proposed lot providing access to the unplatted balance located south of the proposed lot. The applicant has indicated that the unplatted balance will be retained as open space to be used by tenants of the Skyline Pines East development.

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**ITEM 40**

The access easement is classified as a commercial street requiring that the easement be a minimum width of 59 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. The applicant has subsequently requested a Variance to the Subdivision Regulations to waive the requirement to improve the easement with curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the easement from 59 feet to 26 feet. In particular, the applicant is proposing to construct the access easement with a 26 foot wide paved surface to function as an access aisle within the parking lot and to provide access to the unplatted balance.

The property is located within a Planned Development Designation requiring that an Initial and Final Commercial Development Plan be approved by the City prior to issuance of a building permit. In the past, the Planning Commission and the City Council have granted similar Variance requests when the review and approval of a Commercial Development Plan can serve as a tool to ensure that lighting, pedestrian access, utility services and drainage improvements are being provided on the site. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, water and sewer and to reduce the access easement width from 59 feet to 26 feet be approved.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the August 21, 2008 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.