

STAFF REPORT

March 5, 2009

No. 09SV005 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Midland Rushmore, LLC
REQUEST	No. 09SV005 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Tracts A and B of Block 2 of Rushmore Crossing, located in the W1/2 of the SW1/4 of Section 29 and the E1/2 of the SE1/4 of Section 30, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 5 of Block 2 of Rushmore Crossing, Sections 29 and 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 44.364 Acres
LOCATION	South of Eglin Street east of Luna Avenue and west of East North Street
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	General Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water

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DATE OF APPLICATION 2/6/2009

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, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. An east-west and a north-south pedestrian walkway shall be provided as proposed. In addition, lighting shall be provided throughout the parking lot and utilities shall be extended as needed to serve the proposed lots as a part of the Planned Commercial Development Plan.

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 and sewer and to reduce the width of the access easement(s) from 59 feet to 26 feet as they extend through the property. The applicant has also submitted a Preliminary Plat (File #09PL005) to subdivide the property into five lots as a part of the Rushmore Crossing development. The Preliminary Plat also identifies the vacation of a portion of Cambell Street and Eglin Street. In addition, the applicant has submitted an Initial and Final Commercial Development Plan (File #09PD004) to construct a 141,253 square foot commercial store with a gas station. In particular, the site is proposed to be the future location of "Sam's Club".

The property is located in the southeast intersection of Luna Avenue and Eglin Street. 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 Easements: The Preliminary Plat identifies access easements extending through the proposed five lots to provide internal access between the properties. The access easements are classified as commercial streets requiring that they be located within a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The Preliminary Plat identifies the access easements with varying widths from 80 feet to 26 feet. In addition, the construction plans show the access easements constructed with a minimum 26 foot wide paved surface.

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The site plan submitted with the associated Initial and Final Commercial Development Plan application identified that an east-west pedestrian walkway is being provided from Luna Avenue along the front of the proposed Sam's Club building connecting to the sidewalk in front of the Scheel's building located on an adjacent lot. The site plan did not originally provide a north-south pedestrian access from Eglin Street to the proposed commercial use(s) to be located on the lots. However, on February 25, 2009, the applicant submitted a revised site plan showing a north-south pedestrian walkway along the common access aisle located between Lot 1 and Lots 3 and 4. As such, the Initial and Final Commercial Development Plan will serve as a tool to provide alternate pedestrian access through the site.

The construction plans submitted with the Initial and Final Commercial Development Plan also identify lighting within the parking lots as well as the extension of utilities to serve the proposed development.

Since the Commercial Development Plan will serve as a tool to insure that pedestrian access, lighting and utilities are being provided to the proposed development, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement(s) from 59 feet to 26 feet as they extend through the property be approved. A condition of approval requires that an east-west and a north-south pedestrian walkway be provided as proposed. Lighting must also be provided throughout the parking lot and utilities must be extended as needed to serve the proposed lots.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 5, 2009 Planning Commission meeting if this requirement has not been met.