

STAFF REPORT
November 19, 2009

No. 09SV021 - Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer and street light conduit on the shared access easement 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	HDRK Properties, LLC
REQUEST	No. 09SV021 - Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer and street light conduit on the shared access easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of Tract C of Rushmore Center, located in E½ of the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Tract C of Rushmore Center, common to a corner on the southerly boundary of Tract A of Block 2 of Rushmore Crossing, and the point of beginning, Thence first course: S60°51'06"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.46 feet to the southeasterly corner of said Tract A, common to the southwesterly corner of Tract B of Block 2 of Rushmore Crossing; Thence, second course: S60°52'33"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 9.77 feet; Thence, third course: S29°09'15"W, distance of 115.47 feet; Thence, fourth course: S00°06'45"W, distance of 153.92 feet; Thence, fifth course: N89°50'08"W, distance of 214.75 feet, to a point on the westerly boundary of said Tract C, common to the easterly edge of Luna Avenue right-of-way; Thence, sixth course: N00°09'48"E, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, a distance of 328.13 feet; Thence seventh course: curving to the left, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, on a curve with a radius of 536.00 feet, a delta angle of 08°35'09", a length of 80.32 feet, a chord bearing of N04°09'13"W, and chord distance of 80.25 feet, to the northwesterly corner of said Tract C, common

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to a corner on the southerly boundary of said Tract A, and the point of beginning

PROPOSED LEGAL DESCRIPTION	Lot 1 of Tract C of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.79 acres
LOCATION	1520 Luna Avenue
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial District)
South:	General Commercial District (Planned Development Designation) - General Agriculture District
East:	General Commercial District (Planned Development Designation) - General Agriculture District
West:	General Commercial District (Planned Commercial District)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/9/2009
REVIEWED BY	Patsy Horton / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to construct water and sewer, storm sewer and street light conduit in the access easement be approved; and

That the Variance to the Subdivision Regulations to waive the requirement to construct pavement and curb and gutter in the access easement be denied.

GENERAL COMMENTS: (Update, November 13, 2009. All revised and/or added text is shown in bold print.) This item was continued to the November 19, 2009 Planning Commission meeting to allow the applicant to revise the plat document.

The applicant has submitted a Variance to the Subdivision Regulations application to waive the requirements to construct pavement, curb, gutter, sidewalk, water, sewer, and street

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light conduit on a shared access easement to Lot 1 of Tract C in conjunction with an associated Preliminary Plat (#09PL066), an Initial and Final Planned Commercial Development Plan (#09PD051), a Comprehensive Plan Amendment application (#09CA028) and a Rezoning application (#09RZ048). The property is currently vacant and is located north of East Anamosa Street, east of Luna Avenue and south of Eglin Street.

STAFF REVIEW: Staff has reviewed the Subdivision Regulations and has noted the following considerations:

Shared Access Easement: The applicant has submitted a proposed shared access easement 20 feet wide by 60 feet long along the south property line. The shared approach must not exceed 40 feet by 40 feet or construction plans must be submitted for review and approval showing the driveway constructed to City Street Design Standards with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer and located within a minimum 45 foot wide right-of-way or a Variance to the Subdivision Regulations must be obtained. By creating a 40 foot by 40 foot shared access easement, the applicant can eliminate the need for the Subdivision Variance for the driveway construction. As such, staff recommends that the Variance to the Subdivision Regulations be continued to allow the applicant to submit a revised plat document to reflect a 40 foot by 40 foot shared access easement.

The applicant submitted a revised plat document identifying a 50.5 foot wide by 45 foot long access easement located on the southwestern most corner of the lot in order to provide access to the balance of Tract C. The applicant is requesting a Subdivision Variance to waive the requirement to improve the easement to City standards. The required utilities are available to all affected properties. As such, staff is recommending approval of the extension of water, sewer and street light conduit. Staff is also requesting that the Variance request to install pavement, curb, gutter and sidewalk within the access easement be denied as the applicant has proposed construction of those features.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has not received one call regarding this proposal.

Staff recommends that the Variance to the Subdivision Regulations be approved in part with stipulations and denied in part.