

STAFF REPORT
August 25, 2011

No. 11SV012 - Variance to the Subdivision Regulations to waive the requirement to provide additional pavement on Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 33

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	Cross Country Real Estate LLC
REQUEST	No. 11SV012 - Variance to the Subdivision Regulations to waive the requirement to provide additional pavement on Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of the NW1/4 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot K of Race Track Subdivision
PARCEL ACREAGE	Approximately 1.350 acres
LOCATION	At the northeast corner of Jolly Lane and East Highway 44
EXISTING ZONING	General Commercial District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Pennington County)
South:	General Commercial District (Rapid City) - General Commercial District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Commercial District (Rapid City) - General Commercial District (Pennington County)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	7/20/2011
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide additional pavement on Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code 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 improvement.

STAFF REPORT
August 25, 2011

No. 11SV012 - Variance to the Subdivision Regulations to waive the requirement to provide additional pavement on Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 33

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to reduce the pavement width of Jolly Lane from 36 feet to 34 feet. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #11SV011) to waive the requirement to install curb, gutter, sidewalk and sewer along Jolly Lane as it abuts the property. The applicant has also submitted a Preliminary Plat (File #11PL036) to create one lot, leaving a non-transferable unplatted balance. The proposed lot is to be known as Lot K of Race Track Subdivision.

On April 3, 2000, the City Council denied without prejudice a Layout Plat (File #00PL019) to subdivide the property into four lots noting drainage issues, approach location issues and subdivision lot layout issues.

On May 7, 2001, the City Council denied without prejudice a Layout Plat (File #01PL018) to subdivide the property into four lots again noting drainage issues, approach location issues and subdivision lot layout issues.

On June 22, 2006, the City Council denied without prejudice a Layout Plat (File #06PL059) to subdivide the property into two lots, leaving a non-transferable unplatted balance. Again it was noted that drainage issues and traffic and approach location issues must be addressed prior to City Council approval of a plat for the property.

On December 1, 2008, the City Council denied without prejudice a Layout Plat (File #08PL061) to subdivide the property creating two lots, leaving a non-transferable balance. In addition, City Council denied without prejudice a Variance to the Subdivision Regulations (File #08SV028) to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along S.D. Highway 44 and Jolly Lane.

The property is located in the northeast corner of the intersection of S.D. Highway 44 and Jolly Lane. Currently, the Black Hills Speedway is located on the property.

STAFF REVIEW:

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

Pavement: Jolly Lane is classified as a collector street requiring a 36 foot wide paved surface to allow for three 12 foot wide lanes. The applicant has submitted construction plans showing two 12 foot wide lanes and a 10 foot wide turn lane for a total pavement width of 34 feet. The 34 foot pavement width provides the three lanes as needed. As such, staff recommends that the Variance to the Subdivision Regulations to reduce the pavement width from 36 feet to 34 feet 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 improvement.

Legal Notification Requirement: As of this writing, the white slips and green cards from the

STAFF REPORT
August 25, 2011

No. 11SV012 - Variance to the Subdivision Regulations to waive the requirement to provide additional pavement on Jolly Lane as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 33

certified mailings have not been returned. Staff will notify the Planning Commission at the August 25, 2011 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquiries regarding this proposal