

STAFF REPORT  
May 27, 2004

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**No. 04SV028 - Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 19**

GENERAL INFORMATION:

PETITIONER	Renner & Associates for the City of Rapid City
REQUEST	<b>No. 04SV028 - Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The unplatted portion of the S1/2 SE1/4 NE1/4 less right-of-way; NE1/4 SE1/4 less right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract 1 of Discovery Subdivision, located in the S1/2 of the SE1/4 of the of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.455 acres
LOCATION	North of the Rapid City Visitor's Center along East Mall Drive
EXISTING ZONING	General Commercial District/General District/Light Industrial District/General Commercial District Agriculture District/Heavy Industrial District w/Planned Commercial Development
SURROUNDING ZONING	
North:	General Commercial District/General District/Heavy Industrial District Agriculture District
South:	General Commercial District/General Agriculture District
East:	Box Elder
West:	General Commercial District/Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	05/13/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to improve Elk Vale Road, Mall Drive and Taggart Road as they abut the subject property. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property, a 42 acre parcel, to create a 6.455 acre lot and leave a 35.545 non-transferable balance. The Preliminary Plat also identifies the extension of Mall Drive right-of-way from Elk Vale Road to the west lot line of the subject property. (See companion item #04PI057.)

The subject property is currently owned by the City and at the direction of City Council, is being platted for sale to the general public. The property is located in the southwest corner of the Mall Drive/Elk Vale Road intersection and is currently void of any structural development.

STAFF REVIEW:

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

Street Improvements: As noted in the associated Preliminary Plat, a 59 foot wide right-of-way must be provided for Taggart Road aligning with a previously platted commercial street located north of the subject property. In addition, Taggart Road must be constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, sewer and water. In addition, Mall Drive and Elk Vale Road must be constructed and/or improved to meet principal arterial street design standards requiring that the street(s) be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Elk Vale Road, as it abuts the subject property, is located in a varying right-of-way width from 66 feet to 210 feet and constructed with a 36 foot wide paved surface, water and sewer. In addition, the first 400 feet of Mall Drive as it extends west from Elk Vale Road has been constructed with a 36 foot wide right-of-way, curb, gutter and water.

Staff is recommending that the Variance to the Subdivision Regulations request be denied and that surety be posted for the design and construction of the improvements.

Legal Notification Requirement: The receipts from the certified mailings have been returned. As of this writing, staff has not has received any calls or inquires regarding this proposal.