

STAFF REPORT

June 9, 2005

---

**No. 05SV027 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 39**

GENERAL INFORMATION:

PETITIONER	Renner & Associates for Pete Lien and Sons
REQUEST	<b>No. 05SV027 - Variance to the Subdivision Regulations to waive the requirement 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	Lot A, B, and C of Keller Subdivision, located in the S1/2 of SE1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.
PROPOSED LEGAL DESCRIPTION	Lien Tract and Lot AR, Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota.
PARCEL ACREAGE	Approximately 43.17 acres
LOCATION	The old Dog Track on North Highway 79
EXISTING ZONING	General Commercial District - Heavy Industrial District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District - General Agriculture District (Pennington County)
South:	General Agriculture District - Highway Service District (Pennington County)
East:	Limited Agriculture District - General Commercial District - Suburban Residential District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and wastewater
DATE OF APPLICATION	4/20/2005
REVIEWED BY	Vicki L. Fisher / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section

## STAFF REPORT

June 9, 2005

---

**No. 05SV027 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 39**

line highway be tabled and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along S.D. Highway 79 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 assessments for the improvements.**

### GENERAL COMMENTS:

**Update, May 30, 2005. All revised and/or added text is shown in bold print.) This item was continued at the May 26, 2005 Planning Commission meeting to allow staff time to review an associated revised Preliminary Plat document. In particular, the revised plat document eliminated the southern lot from the proposed development.**

The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along S.D. Highway 79 and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a portion of the section line highway located along the south lot line of the subject property. In addition, the applicant has submitted a Preliminary Plat to reconfigure the subject property into three lots.. The applicant has also submitted a Vacation of Section Line Highway request to vacate the western 857 feet of the section line highway located along the south lot line of the subject property. (See companion items 05PL072 and 05VR004.)

The subject property is located in the northwest corner of the intersection of Universal Drive and S.D. Highway 79. The property was the previous site of the grey hound dog racing track. Currently, a portion of the facility is still located on the property.

### STAFF REVIEW:

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

S.D. Highway 79: S.D. Highway 79 is located along the east lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plat requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, S.D. Highway 79 is located in a 130 foot wide right-of-way with a 45 foot wide paved surface. Currently, curb, gutter, sidewalk, street light conduit, water and sewer do not exist along this section of S.D Highway 79. Requiring the improvement of S.D. Highway 79 as it abuts the subject property will result in a discontinuous street section. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the improvements along S.D. Highway 79 be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

STAFF REPORT

June 9, 2005

---

**No. 05SV027 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 39**

Universal Drive: The Major Street Plan identifies the extension of Universal Drive, a collector street, within that portion of the section line highway excluded from the Vacation request previously indicated. In addition, the Major Street Plan identifies Universal Drive extending north and west from the section line highway to the west lot line of the subject property. In the past, the City Council has required that a section line highway be vacated in lieu of granting a Variance to the Subdivision Regulations unless the adjacent property will not sign the Vacation Petition. Please note that prior to Vacating this portion of the Section Line Highway, a Comprehensive Plan Amendment to the Major Street Plan relocating and/or eliminating the collector street must be reviewed and approval. The applicant has not demonstrated that the adjacent property owner will not sign a Vacation Petition nor has the Major Street Plan been amended as identified. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement be denied without prejudice. If the applicant is unable to obtain the adjacent property owner(s) signature and a Comprehensive Plan Amendment to the Major Street Plan is obtained, the applicant may submit a new Variance to the Subdivision Regulations without paying the application fee. **As noted above, the revised plat document eliminated the southern lot located along the section line highway. As such, the section line highway and/or Universal Drive are no longer a part of this plat review.**

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has received two calls inquiring about this item. Please note that neither caller opposed the request.