

STAFF REPORT  
September 20, 2007

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**No. 07SV049 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along South Dakota Highway 44 and Radar Hill Road as per Chapter 16 of the Rapid City Municipal Code**

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**ITEM 47**

GENERAL INFORMATION:

APPLICANT/ AGENT	Powderhorn LLC
PROPERTY OWNER	Jerry L. Dale for Powderhorn, LLC
REQUEST	<b>No. 07SV049 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along South Dakota Highway 44 and Radar Hill Road as per Chapter 16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	The unplatted portion of the SE1/4 NE1/4 north of Highway 44 and less Highway Lots, located in the SE1/4 NE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Powderhorn Subdivision, located in the SE1/4 NE1/4, Section 24, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 23.2 acres
LOCATION	At the northwest corner of the intersection of South Dakota E. Highway 44 and Radar Hill Road
EXISTING ZONING	General Agriculture District (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	General Agriculture District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	None
DATE OF APPLICATION	8/22/2007
REVIEWED BY	Jonathan Smith / Todd Peckosh

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement along South Dakota Highway 44 as per Chapter 16 of the Rapid City Municipal Code be denied without prejudice.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and along South Dakota Highway 44 and Radar Hill Road as per Chapter 16 of the Rapid City Municipal Code be denied without prejudice.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, and street light conduit along South Dakota Highway 44 and Radar Hill Road, and to waive the requirement to install additional pavement along Radar Hill Road as per Chapter 16 of the Rapid City Municipal Code be approved with the following stipulation.

1. Prior to approval of by City Council the applicant shall sign a waiver of right to protest future assessments.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb, gutter, street light conduit, sidewalk and pavement. A Layout Plat (#07PL115) request to create a 10.28 acre parcel identified as proposed Lot 1, and a 12.94 acre lot identified as Lot 2 from an existing 23.23 acre lot has been filed in conjunction with this request. The Property is located northwest of the intersection of South Dakota Highway 44 and Radar Hill Road. The property is currently void of any structural development and is bisected by an irrigation ditch. The property is not located within the municipal boundaries of the City of Rapid City; however the property lies within the City of Rapid City's Three Mile Platting Jurisdiction. The property is zoned General Agriculture by Pennington County.

STAFF REVIEW:

Staff has reviewed the applicant's request for a Variance to the Subdivision Regulations and noted the following considerations:

PAVEMENT:

Radar Hill Road and South Dakota Highway 44 are both classified as principal arterial streets by the Street Design Criteria Manual. A minimum pavement width of 12 feet per lane is required for a principal arterial street. Staff has noted that South Dakota Highway 44 currently meets the minimum standard. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement along South Dakota Highway 44 be denied without prejudice.

Radar Hill Road currently has a pavement width of twenty-two feet. Staff recommends that the Variance to the Subdivision regulations to waive the requirement to install additional pavement along Radar Hill Road be approved with the stipulation that the applicant sign a waiver of right to protest future assessments.

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SIDEWALKS:

Staff has noted that sidewalks are not required along South Dakota Highway 44 and Radar Hill Road because the lot frontage exceeds 200 feet as per Section 16.28.080 of the Rapid City Municipal Code. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk(s) along South Dakota Highway 44 and Radar Hill Road be denied without prejudice.

CURB, GUTTER & STREET LIGHT CONDUIT:

Currently both Radar Hill Road and South Dakota Highway 44 are void of curb, gutter and street light conduit. Staff finds that requiring South Dakota Highway 44 to be improved with curb, gutter and street light conduit would create a discontinuous section of street design. In regard to Radar Hill Road, if curb, gutter and street light conduit were required it would also create a discontinuous section of street design. As such staff recommends that the Variance to the Subdivision regulations to waive the requirement to install curb, gutter and street light conduit be approved with the stipulation that the applicant sign a waiver of right to protest future assessments.

WATER AND SEWER:

Staff has noted that a low level water main is located 700 feet north of the property along Morris Lane. However, the property is located in a low-low water service area therefore connection into the water main along Morris Lane is not viable. Currently there is no low-low water mains or reservoirs located within the area. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install water be approved with the stipulation that the applicant sign a waiver to protest future assessments

Staff has noted that the installation of sewer along South Dakota Highway 44 and along Radar Hill Road where the two roads abut the property is needed to accommodate future urbanization in the area. However staff finds that because of elevation issues it would be difficult for the applicant to connect to City sewer service at this time. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sewer be approved with the stipulation that the applicant sign a waiver to protest future assessments.

LEGAL NOTIFICATION REQUIREMENT:

As of this writing, the white slips from the certified mailings and the green cards have not been returned. Staff will notify the Planning Commission at the October 4, 2007 Planning Commission meeting if this requirement has not been met.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement along South Dakota Highway 44 as per Chapter 16 of the Rapid City Municipal Code be denied without prejudice.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along South Dakota Highway 44 and Radar Hill Road as per Chapter 16 of the

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Rapid City Municipal Code be denied without prejudice.

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, water, sewer, and street light conduit along South Dakota Highway 44 and Radar Hill Road, and to waive the requirement to install additional pavement along Radar Hill Road as per Chapter 16 of the Rapid City Municipal Code be approved with the stipulation that the applicant sign a waiver of right to protest future assessments.