

STAFF REPORT  
January 10, 2008

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**No. 07SV066 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 72**

GENERAL INFORMATION:

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| APPLICANT                     | Pete Lien and Sons   |
| AGENT                         | Renner & Associates  |
| PROPERTY OWNER                | Leonard Keller   |
| REQUEST                       | <b>No. 07SV066 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code</b> |
| EXISTING<br>LEGAL DESCRIPTION | Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota   |
| PROPOSED<br>LEGAL DESCRIPTION | Lot 1 of Lot A and Lot BR of Keller Subdivision, located in the S1/2 of the SE1/4, Section 17, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota  |
| PARCEL ACREAGE                | Approximately 29.22 acres  |
| LOCATION                      | West of Sturgis Road and north of Universal Drive  |
| EXISTING ZONING               | General Commercial District - Heavy Industrial District (Pennington County)  |
| SURROUNDING ZONING            |  |
| North:                        | General Commercial District  |
| South:                        | Heavy Industrial District  |
| East:                         | Suburban Residential District - General Commercial District  |
| West:                         | General Agriculture District   |
| PUBLIC UTILITIES              | Private water and sewer  |
| DATE OF APPLICATION           | 12/13/2007   |
| REVIEWED BY                   | Vicki L. Fisher / Mary Bosworth  |

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road 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; and,

That the Variance to the Subdivision Regulations to waive the requirement to provide additional pavement along Sturgis Road be denied without prejudice.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and additional pavement along Sturgis Road as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (#07PL165) to reconfigure two lots.

On November 21, 2005 the City Council denied without prejudice a similar Preliminary Plat (#05PL072) for the property at the applicant's request. In addition, the City Council denied without prejudice a similar Variance to the Subdivision Regulations (#05SV027) for Sturgis Road at the applicant's request.

The property is located west of Sturgis Road and north of Universal Drive. 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 and has noted the following considerations:

Sturgis Road: Sturgis Road 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, Sturgis Road is located in a 130 foot wide right-of-way with a 45 foot wide paved surface, which meets the minimum pavement requirements of the Rapid City Municipal Code. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide additional pavement be denied without prejudice.

Staff has also noted that requiring curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road as it abuts the property will create a discontinuous street section. In the past, the Planning Commission and the City Council have granted similar requests when the improvement would create a discontinuous street section. In addition, the City does not anticipate City sewer and water services to this area until the year 2030 as per the draft Utility System Master Plan for Rapid City. In the past the Planning Commission and

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the City Council have not required that dry sewer be provided when the City's Master Plan did not show the service to the area for 15 or more years. 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 and sewer 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 improvements.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 10, 2008 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.