

STAFF REPORT  
May 22, 2008

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**No. 08SV029 - Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb, gutter, sidewalk, and street light conduit along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 33**

GENERAL INFORMATION:

APPLICANT	Orthopedic Building Partnership
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Orthopedic Building Partnership
REQUEST	<b>No. 08SV029 - Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb, gutter, sidewalk, and street light conduit along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lots 1 and 5 of Old Rodeo Subdivision, located in the NW1/4 of the SW1/4 and the NE1/4 of the SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1R, 5R and 6 of Old Rodeo Subdivision, formerly Lots 1 and 5 of Old Rodeo Subdivision, located in the NW1/4 of the SW1/4 and the NE1/4 of the SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 15.63 acres
LOCATION	7220 South Highway 16 and 7111 Jordan Drive
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	Highway Services District (Planned Commercial Development)

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**ITEM 33**

PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/25/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

**RECOMMENDATION:**

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb, gutter, sidewalk, and street light conduit along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and,
2. Prior to City Council approval, the applicant shall submit construction plans for review and approval providing sanitary sewer service to the lot line of the property as required.

**GENERAL COMMENTS:** The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb, gutter, sidewalk, and street light conduit along U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code. In addition, the applicant has submitted a Preliminary Plat (#08PL062) application to create three lots.

The property is currently zoned General Commercial District with a Planned Development Designation and is located south of Catron Boulevard and east of U.S. Highway 16. A commercial development is located on one of the proposed lots and the other two lots are void of structural development.

**STAFF REVIEW:**

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

**U.S. Highway 16:** U.S. Highway 16 is located along the western lot line of the proposed subdivision. U.S. Highway 16 is on the State Highway System and is identified as an arterial street on the Major Street Plan requiring a minimum 100 foot of right-of-way. The developer is responsible for constructing an arterial street to a collector street standard. Any expansion of the road beyond a collector street standard is considered over sizing and is not the developer's responsibility. Currently, U.S. Highway 16 is located in an approximate 330 foot wide right-of-way with four paved travel lanes. Since U.S. Highway 16 is an existing paved road and the required improvements would create a discontinuous street section, Planning Commission and City Council have not required the developer to reconstruct the existing paved road. However, the Planning Commission and City Council have required the property owner to sign a waiver of right to protest an assessment project for future improvements. Staff noted that the applicant is required to extend sewer services to the boundaries of their development per Chapter 16 of the Rapid City Municipal Code and if

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sewer is not provided along U.S. Highway 16 an alternative location for the sanitary sewer must be provided. 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 stipulations that the applicant sign a waiver of right to protest any future assessment for the improvements and submit construction plans for review and approval providing sanitary sewer service to the property to the south.