

STAFF REPORT

March 5, 2009

No. 09SV003 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer and to reduce the right-of-way width from 59 feet to 40 feet on the existing access easement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Pete Lien and Sons
AGENT	Renner & Associates
PROPERTY OWNER	Pete Lien & Sons
REQUEST	No. 09SV003 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer and to reduce the right-of-way width from 59 feet to 40 feet on the existing access easement as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots A and B of Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 29.218 acres
LOCATION	Black Hills Dog Track northwest of the intersection of Universal Drive and Sturgis Road
EXISTING ZONING	Heavy Industrial District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Pennington County)
South:	General Agriculture District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	2/5/2009
REVIEWED BY	Travis Tegethoff / Ted Johnson

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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 on the existing access easement as per Chapter 16.16 of the Rapid City Municipal Code be approved; and,

The Variance to the Subdivision Regulations to waive the requirement to install pavement and to reduce the right-of-way width from 59 feet to 40 feet on the existing access easement as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, pavement, sidewalk, street light conduit, water and sewer and to reduce the right-of-way width from 59 feet to 40 feet on the existing access easement as per Chapter 16.16 of the Rapid City Municipal Code that provides access to the proposed lots. The property is located west of Sturgis Road. Currently the property is being used for surface mining operations. Two accessory buildings associated with the mining operations, a conveyor belt system, and a portion of a former dog racing track are located on the property. The property is not located within the corporate limits of the City of Rapid City; however, the property is located within the City of Rapid City's Three Mile Platting Jurisdiction. A Preliminary Plat (#08PL176) application to reconfigure two existing lots as Lot 1 and Lot 2 of Keller Subdivision has been submitted in conjunction with this request. The property is currently zoned Heavy Industrial District by Pennington County.

STAFF REVIEW:

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

Access Easement: The 40 by 80 foot access is classified as an industrial street requiring a minimum 59 feet of right-of-way and a minimum pavement width of 26 feet with curb, gutter, sidewalk, street light conduit, water and sewer. Prior to approval by City Council, the applicant is required to submit construction plans designed and stamped by a Registered Professional Engineer identifying the proper right-of-way width, pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement or obtain a Variance to the Subdivision Regulations.

The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install pavement curb, gutter, sidewalk, street light conduit, water and sewer and dedicate additional right-of-way along the access easement as per Chapter 16.16 of the Rapid City Municipal Code. Staff noted that the associated Preliminary Plat (#08PL176) does not create an increase in density and the installation of curb, gutter, sidewalk and street light conduit would create a discontinuous street section. In addition, the area is currently served by private water and sewer systems. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter,

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sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code be approved. Staff also noted that an option for the applicant would be to provide a 40 foot by 40 foot shared approached centered on the property lines to provide access to the two proposed lots.

However, since this is an industrial development with the potential for heavy vehicle traffic and the numerous concerns the City has with tracking and dust control staff recommends that Variance to the Subdivision Regulations to waive the requirement to install pavement and to reduce the right-of-way width from 59 feet to 40 feet on the existing access easement as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.