

STAFF REPORT  
December 6, 2007

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**No. 07SV063 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 41**

GENERAL INFORMATION:

APPLICANT	Stoney Creek Development
AGENT	Boschee Engineering
PROPERTY OWNER	J. L. Bendt
REQUEST	<b>No. 07SV063 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 4 and Outlot D of Stoney Creek South Subdivision, located in the SW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.92 acres
LOCATION	East of Sheridan Lake Road and at the southern terminus of Bendt Drive
EXISTING ZONING	General Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	General Commercial District (Planned Development Designation)
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	Public
DATE OF APPLICATION	11/9/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk as per Chapter 16.16 of the Rapid City Municipal Code be denied without prejudice.

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GENERAL COMMENTS:

The applicant has submitted a request for a Variance to the Subdivision Regulations to waive the requirements of the previously approved plat to install the eight foot sidewalk. The eight foot sidewalk was required in lieu of the original road identified at the same location crossing the property in an east/west manner. The property is located east of Sheridan Lake Road, and west of Bendt Drive. The property was platted (#03PL052) on January 12, 2004. Currently the property is void of structural development. The property is zoned General Commercial District.

The initial Layout Plat indicated that a street would be extended east from Sheridan Lake Road to Bendt Drive. During the review of the Layout Plat the applicant indicated that the street would be eliminated. As such the Preliminary and Final Plat (#03PL052) was approved with the stipulation that a bike path be constructed connecting Sheridan Lake Road and Bendt Drive in lieu of a street connection at this location. To date this bike path has not been constructed. The applicant has provided surety in lieu of constructing the bike path, and the surety will expire December 15, 2007.

STAFF REVIEW:

Staff has noted that in order to waive this requirement to install an eight foot sidewalk (bike path) that the applicant must modify the request using the same procedure as used for original approval. For that reason the applicant must submit the request as a Preliminary Plat application to obtain approval of the revised construction plans. A variance would not be applicable. Staff recommends that this item be denied without prejudice.