

STAFF REPORT  
June 26, 2008

---

**No. 08SV035 - Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sewer and additional pavement along Lien Street as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 46**

GENERAL INFORMATION:

APPLICANT	Blu-Knu Enterprises, L.L.C
AGENT	Advanced Engineering & Surveying
PROPERTY OWNER	Rommismo Family Limited Partnership
REQUEST	<b>No. 08SV035 - Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sewer and additional pavement along Lien Street as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lots 2 and 3 of Blu-Knu Subdivision, and the unplatted land located in the SW1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 2A and 2B and Lot 3R of Blu-Knu Subdivision, formerly Lots 2 and 3 of Blu-Knu Subdivision and the unplatted land located in the SW1/4 SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.05 acres
LOCATION	On the west side of Deadwood Avenue between Lien Street and 1543 Deadwood Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District - Light Industrial District
South:	Light Industrial District
East:	Light Industrial District
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/30/2008
REVIEWED BY	Vicki L. Fisher / Karley Halsted

STAFF REPORT  
June 26, 2008

---

**No. 08SV035 - Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sewer and additional pavement along Lien Street as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 46**

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied without prejudice; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sewer and to reduce the pavement width from 36 feet to 32 feet along Lien Street 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.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sewer and to reduce the pavement width from 36 feet to 32 feet along Lien Street as it abuts the property. In addition, the applicant has submitted a Preliminary Plat to subdivide the property into three lots. The applicant has also submitted an Amendment to the Adopted Comprehensive Plan (File #08CA021) to revise the Major Street Plan to relocate a collector street as it extends through the property.

On June 2, 2008, the City Council approved a Layout Plat (File #08PL041) to subdivide the property into two lots.

The property is located northwest of the intersection of Lien Street and Deadwood Avenue. Currently, four commercial buildings are located on proposed Lot 2A and one commercial building is located on proposed Lot 2B, respectively. Proposed Lot 3R is void of any structural development.

STAFF REVIEW:

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

Lien Street: Lien Street is located along the south lot line of the subject property and is classified as a minor arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer. Currently, Lien Street is located in a 100 foot wide right-of-way and constructed with an approximate 32 foot wide paved surface, curb, gutter and water. The applicant has submitted construction plans showing the construction of a sidewalk along the street. As noted above, the applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sewer and additional pavement along Lien Street. However, street light conduit currently exists along Lien Street as required by the Street Design Criteria Manual. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be denied without prejudice.

STAFF REPORT  
June 26, 2008

---

**No. 08SV035 - Variance to the Subdivision Regulations to waive the requirement to install street light conduit, sewer and additional pavement along Lien Street as per Chapter 16.16 of the Rapid City Municipal Code**

---

**ITEM 46**

Sewer currently exists along Deadwood Avenue and provides sanitary sewer service to this area. Staff has noted that due to the existing grades along Lien Street, a lift station would be required in order to serve the property from Lien Street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install 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 improvement.

As noted above, Lien Street is currently constructed with 32 foot wide pavement in lieu of 36 foot wide pavement as required. However, requiring that four additional feet of pavement be constructed along Lien Street 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. As such, staff is recommending that the Variance to the Subdivision Regulations to reduce the pavement width from 36 feet to 32 feet 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 improvement.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 26, 2008 Planning Commission meeting if this requirement is not met.