

STAFF REPORT
March 5, 2009

No. 08SV057 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 26

GENERAL INFORMATION:

APPLICANT	Pete Lien and Sons
AGENT	Renner & Associates
PROPERTY OWNER	Pete Lien & Sons
REQUEST	No. 08SV057 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 and 2 of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 29.18 acres
LOCATION	Black Hills Dog Track adjacent to the west side of Sturgis Road and south of the intersection of Universal Drive and Sturgis Road
EXISTING ZONING	Heavy Industrial District (Pennington County)
SURROUNDING ZONING	
North:	General Commercial District (Pennington County) - General Agriculture District (Pennington County)
South:	General Agriculture District (Pennington County) - Heavy Industrial District
East:	Suburban Residential District (Pennington County) - General Commercial District (Pennington County)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	11/25/2008

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REVIEWED BY

Travis Tegethoff / Ted Johnson

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 as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

GENERAL COMMENTS: (Update, February 25, 2009. All revised and/or added text is shown in bold print.) This item was continued to the March 5, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL176) application and to allow the applicant to submit the required information. The additional information has been submitted. As such, staff recommends that this item be approved with the stipulation that prior to City Council approval the applicant shall sign a waiver of right to protest any future assessment for the improvements.

(Update, February 10, 2009. All revised and/or added text is shown in bold print.) This item was continued to the February 19, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL176) application and to allow the applicant to submit the required information. To date, all the additional information has not been submitted. As such, staff recommends that this item be continued to the March 5, 2009 Planning Commission meeting.

(Update, January 26, 2009. All revised and/or added text is shown in bold print.) This item was continued to the February 5, 2009 Planning Commission meeting to be heard in conjunction with the associated Preliminary Plat (#08PL176) application and to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the February 19, 2009 Planning Commission meeting.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water, and sewer along Sturgis Road. 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 municipal 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.

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STAFF REVIEW:

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

Sturgis Road: The property abuts Sturgis Road on the eastern boundary. Sturgis Road is classified by the Major Street Plan as a principal arterial street requiring a minimum 100 feet of right-of-way and a minimum 12 feet per lane of pavement width. Sturgis Road where it abuts the property currently has a right-of-way width of 130 feet, and a pavement width of 38 feet for three lanes. Currently Sturgis road meets the right-of-way width and pavement requirements for an arterial street.

Curb, gutter, sidewalk, street light conduit, water and the sewer are not currently constructed along Sturgis Road where it abuts the property. Prior to approval by City Council, the applicant is required to submit construction plans designed and stamped by a Registered Professional Engineer identifying curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road, or obtain a Variance to the Subdivision Regulations.

The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road 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 street improvements 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, sidewalk, street light conduit, water and sewer along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

The applicant's plat document identifies two approach locations along Sturgis Road. However, the South Dakota Department of Transportation has noted that south approach shall be vacated when mining activities on the property cease. This will result in a platted lot with no legal access in the future. As such, staff recommends that this item be continued to the February 19, 2009 Planning Commission meeting to allow the applicant to address access issues to the proposed lot.

On February 5, 2009 the applicant submitted a Variance to the Subdivision Regulations (#09SV003) that will be considered at the March 5, 2009 Planning Commission meeting to an access easement that would provide access to Lots 1 and 2 of Keller Subdivision. Staff recommends that prior to the Preliminary Plat application approval by City Council, the applicant shall submit construction plans designed and stamped by a Registered Professional Engineer identifying pavement, curb, gutter, sidewalk, street light conduit, water and sewer located within a minimum

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59 foot wide right-of-way for the access easement, or obtain a Variance to the Subdivision Regulations.

Staff recommends that the Variance to the Subdivision Regulations be approved with the stipulation that prior to City Council approval the applicant shall sign a waiver of right to protest any future assessment for the improvements.