

STAFF REPORT

April 25, 2002

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**No. 02SV019 - Variance to the Subdivision Regulations to waive the requirement for additional right-of-way**      **ITEM 57**

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GENERAL INFORMATION:

PETITIONER	Renner & Sperlich Engineering Co. for Gary Rasmusson
REQUEST	<b>No. 02SV019 - Variance to the Subdivision Regulations to waive the requirement for additional right-of-way</b>
EXISTING LEGAL DESCRIPTION	A portion of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 19 of Block 6, Robbinsdale Addition No. 10, located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.051 acres
LOCATION	Northwest corner of 5th Street and Minnesota Street
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Office Commercial District
South:	Office Commercial District
East:	Office Commercial District
West:	Office Commercial District w/Planned Commercial Development
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	03/25/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement for additional right-of-way be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to provide additional right-of-way in conjunction with an associated Preliminary and Final Plat application. The Preliminary and Final Plat request proposes to create a 1.051 acre lot leaving two unplatted nontransferable balances. (See companion item

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#02PL036.)

The property is located at the northeast corner of Minnesota Street and Fifth Street and is currently void of any structural development.

#### STAFF REVIEW:

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

Minnesota Street: Minnesota Street is located along the south lot line of the subject property and is classified as a minor arterial road on the Major Street Plan. The Street Design Criteria Manual requires a minimum 100 foot right-of-way for a minor arterial road. Currently, Minnesota Street has an 80 foot right-of-way width. As such, the plat must be revised to provide an additional 10 foot of right-of-way along Minnesota Street.

On July 27, 1999 the applicant entered into an agreement with the City stating that the applicant shall dedicate and plat an 80 foot public right-of-way for the extension of Minnesota Street to Fifth Street. (A copy of the agreement is attached.) The agreement includes that portion of Minnesota Street adjacent to the subject property. The applicant has expressed his opinion that the agreement precludes the need to dedicate ten additional feet of right-of-way as a part of the associated plat.

Currently, the property is an unplatted nontransferable balance precluding the property's transfer until such time as the plat is approved by the Rapid City Council and property recorded. Platting the property as proposed will allow for the property to be transferred and subsequently developed. As such, the platting process requires that all requirements of the Street Design Criteria Manual be met.

The property is located in the northeast corner of the intersection of Fifth Street and Minnesota Street. The Engineering Division has indicated that based upon proposed future traffic flows at this intersection, a right turn lane will be constructed along the north side of Minnesota Street. In addition, the Major Street Plan identifies a bike path to be located along the north side of Minnesota Street. The Engineering Division has indicated that providing a right turn lane, a bike path and a 35 foot radius at the corner of Minnesota Street and Fifth Street will require that an additional ten foot of right-of-way be dedicated. (See attached Exhibit "A".)

On August 20, 2001 the City Council approved a Variance to the Subdivision Regulations to waive the requirement to dedicate ten additional feet of right-of-way at the eastern terminus of Minnesota Street with the stipulation that a ten foot wide pedestrian access and utility easement be dedicated. (That Subdivision Regulations Variance request was submitted in conjunction with associated Preliminary and Final Plat 01PL064 to create two lots.) That property was also located along the north side of Minnesota Street at the northwest corner of the S. D. Highway 79/Minnesota Street intersection. The Engineering Division has indicated that providing a right turn lane at the Fifth Street intersection requires that an

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additional ten feet of right-of-way be dedicated to accommodate the future need for a right turn land, possible signal bases and other utility improvements. The Engineering Division has indicated that the situations are significantly different and thus, an easement is not an appropriate solution in this case.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the April 25, 2002 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires from area property owners regarding this proposal.

Based on the future improvement requirements needed to address future traffic needs, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied.

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