

STAFF REPORT

May 9, 2002

No. 02SV018 - Variance to the Subdivision Regulations to waive the requirement of Chapter 16.12.010.C of the Municipal Code requiring the dedication of right-of-way in accordance with the adopted Major Street Plan

ITEM 27

GENERAL INFORMATION:

PETITIONER	Renner & Sperlich Engineering Co. for Gary Rasmussen
REQUEST	No. 02SV018 - Variance to the Subdivision Regulations to waive the requirement of Chapter 16.12.010.C of the Municipal Code requiring the dedication of right-of-way in accordance with the adopted Major Street Plan
EXISTING LEGAL DESCRIPTION	A portion of Tract A of Robbinsdale Addition No. 10 and a portion of the NE1/4 of the SE1/4 of Section 13, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 26 of Block 23, and Lot 6 of Block 24, Robbinsdale Addition No. 10, located in the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.613 acres
LOCATION	The northeast and northwest corners of the intersection of Maple Avenue and East Minnesota Street
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Medium Density Residential District (PRD)
East:	Medium Density Residential District (PRD)
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	04/12/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide additional right-of-way be approved with the following stipulation:

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Engineering Division Recommendations:

1. That a ten foot wide public utility and pedestrian access easement shall be provided along the south lot line of the subject property.

GENERAL COMMENTS:

The applicant has submitted a request for a Variance to the Subdivision Regulations to waive the requirement to provide additional right-of-way in accordance with Chapter 16.12.010.C of the Municipal Code. The related Preliminary and Final Plat request proposes to subdivide the subject property into two lots. The lots will be .308 acres and .305 acres in size, respectively and are the last two lots to be platted along Maple Avenue, north of Minnesota Street. (See companion item #02PL022.)

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.

The Major Street Plan was initially adopted by the City on January 15, 1996 and identified Minnesota Street as a collector road. In July of 2000, the Major Street Plan was amended reclassifying Minnesota Street as a minor arterial road. At the time the above referenced agreement was entered into, the 80 foot right-of-way width was sufficient for a collector road. Due to the amendment to the Major Street Plan in 2000, any platting along Minnesota Street now requires that ten additional feet of right-of-way be obtained from each adjacent property in order to secure the minimum 100 foot right-of-way width for a minor arterial road.

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 Long Range Transportation Plan identifies that in the year 2025, 7,000 peak week daily

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traffic trips will be generated along Minnesota Street. Future development within the area may require improvements and/or an expansion to the Maple Avenue/Minnesota Street intersection. In addition, the Major Street Plan identifies a bike path to be located along the north side of Minnesota Street. The existing 80 foot wide right-of-way along this portion of Minnesota Street should accommodate any additional turn lanes that may be necessary due to increased traffic flows generated by future development of the area. However, staff is recommending that a ten foot wide public utility and pedestrian access easement be provided along the south lot line of the subject property to accommodate the bike path as shown on the Major Street Plan and any future location and/or relocation of public utilities.

The City Council recently approved a similar Variance to the Subdivision Regulations request 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 public utility and pedestrian access easement be dedicated. That property was located along the north side of Minnesota Street at the northwest corner of the S. D. Highway 79/Minnesota Street intersection. The ten foot wide public utility and pedestrian access easement was required in order to insure sufficient area for the bike path and public utilities if and when additional improvements are needed at the intersection.

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 May 9, 2002 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.

Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicated ten additional feet of right-of-way along Minnesota Street be approved with the stipulation that a ten foot wide public utility and pedestrian access easement be provided along the south lot line. Future projected development within the area, as identified on the South Robbinsdale Neighborhood Area Future Land Use Plan, may require additional improvements to the Maple Avenue/Minnesota Street intersection.