

STAFF REPORT

December 5, 2002

No. 02SV047 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Subdivision Regulations

ITEM 29

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Dan O'Brien
REQUEST	No. 02SV047 - Variance to the Subdivision Regulations to waive the requirement dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 10A of Lot 10 of Tract E of Deadwood Avenue Tract located in the NE1/4 NW1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1, 2 and 3 of Deadwood Avenue Business Park, located in the NE1/4 NW1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.95 acres
LOCATION	1141 and 1161 Deadwood Avenue; 1140 Plant Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District/Light Industrial District
South:	General Commercial District
East:	General Commercial District/Light Industrial District
West:	General Commercial District/Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/04/2002
REPORT BY	Tom Kurtenbach

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the 100 foot right of way width requirement for Lien Street as required by Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

Urban Planning Division Recommendations:

1. Prior to Final Plat approval by the City Council, the applicant shall sign an encroachment agreement to be recorded with the Final Plat; and,

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2. Prior to Final Plat approval by the City Council, the plat shall be revised to show a ten foot utility easement and revised lot line(s) along Lien Street.

GENERAL COMMENTS:

This request for a Variance to the Subdivision Regulations is a companion item to a Preliminary/Final Plat request (File #02PL118). The plat application was submitted to divide Lot 10A of Lot 10 of Tract E of Deadwood Avenue Tract into three lots. The property is developed as commercial property and is located west of Deadwood Avenue and south of Lien Street. The proposed subdivision will result in the three existing structures being located on individual lots.

STAFF REVIEW:

Lien Street right of way: Lien Street located north of the subject property is identified as a minor arterial street in the Major Street Plan. The Street Design Criteria Manual specifies a 100 foot right of way width for arterial streets. The Major Street Plan projects Lien Street extending west through the existing limestone quarries, and intersecting with Sturgis Road in Section 33. The existing right of way for Lien Street varies from a minimum width of approximately 70 feet to a maximum width of approximately 80 feet. The minimum required right of way width for a minor arterial street is 100 feet. Based on this information, the applicant is required to dedicate approximately 15 additional feet of right of way. The balance of the right of way would be required to be dedicated should the land on the north side of Lien Street be subdivided in the future.

Proposed Lot 2 has been developed with existing off street parking spaces located directly adjacent to the north property line. However, the parking lot could be revised to provide between 10 and 12 additional feet of right of way along the north property boundary without eliminating any of the existing off street parking.

Staff met with the applicant and City Engineering personnel on November 25, 2002 to review alternative solutions. Based on that discussion, staff is recommending that the applicant dedicate ten additional feet of right of way and provide a ten foot wide utility easement in addition to the right of way. Staff further recommends that the applicant enter into an encroachment agreement with the City to allow the existing parking to remain until Lien Street is widened in the future. This agreement would ensure that adequate parking is available on proposed Lot 2 as well as protect the City's interest in acquiring the additional right of way required to expand Lien Street in the future.

Therefore, Staff supports a Variance to the Subdivision Regulations to waive the 100 foot right of way width requirement for Lien Street with the aforementioned stipulations.