

STAFF REPORT

March 25, 2004

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**No. 04SV015 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 70**

GENERAL INFORMATION:

PETITIONER	Wasteline Inc.
REQUEST	<b>No. 04SV015 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 4 of Block 1, Menard Subdivision, located in the SE1/4 NW1/4 and the NE1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.345 acres
LOCATION	1705 East Anamosa Street
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Commercial District
East:	General Commercial District w/PCD
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	02/26/2004
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code be denied and that the Special Exception to the Street Design Criteria Manual to reduce the separation between an approach and an intersection from 230 feet to 75 feet be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate ten additional feet of right-of-way for that portion of Creek Drive that will abut the subject property. In addition, the applicant has submitted a Special Exception request to reduce the separation requirement between a driveway approach and an

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intersection from 230 feet to 75 feet as per the Street Design Criteria Manual.

On January 14, 2003, the City Council approved a Layout Plat to create a 1.345 acre parcel out of two properties leaving a non-transferable balance. The subject property is located in the southwest corner of the Elgin Street/E. Anamosa Street intersection on the west side of E. Anamosa Street and is currently void of any structural development.

**STAFF REVIEW:**

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

**Creek Drive:** The Major Street Plan identifies Creek Drive, a minor arterial street, to be located along the northwest lot line of the subject property. During the review of the previously approved Layout Plat, staff noted that 100 feet of right-of-way for Creek Drive must be provided. The applicant is proposing to dedicate 80 feet of right-of-way with a ten foot wide pedestrian easement along either side of the right-of-way on the abutting properties. The City Council has allowed ten foot wide pedestrian and access easements along Minnesota Street in lieu of obtaining the additional ten feet of right-of-way from the adjacent properties upon platting when the classification of the street changed during the phased development of the property.

In this instance, Creek Drive has always been identified as a minor arterial street on the City's Major Street Plan. Recently platted property located south of Philadelphia Street provided the minimum 100 foot wide right-of-way for Creek Drive. Granting the Variance request would be inconsistent and set precedence to allow reduced right-of-way widths along the balance of Creek Drive. The applicant has submitted a site plan identifying the future construction of a commercial building and a parking lot on the proposed lot. The site plan does not identify a need to waive the requirement as an adequate front yard setback is provided allowing for the additional dedication of right-of-way. A Planned Commercial Development could serve as a tool to allow encroachments into required yard setbacks if additional development is proposed on the property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate the additional right-of-way be denied.

**Special Exception:** East Anamosa Street is located along the northeast lot line of the subject property and is classified as a major arterial street on the City's Major Street Plan. As previously indicated, Creek Drive is located along the west lot line and is classified as a minor arterial street on the City's Major Street Plan. The Street Design Criteria Manual requires a minimum 230 foot separation between the E. Anamosa Street/Creek Drive intersection and an approach to the subject property. The applicant is requesting a Special Exception to reduce the distance from 230 feet to 75 feet. The Street Design Criteria Manual states that an arterial street is "...a street serving the highest traffic volume corridors and major centers of activity. Reducing the separation to the approach as proposed may result in interference with traffic flows and stacking along Creek Drive. As such, staff is

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recommending that the Special Exception to reduce the separation requirement between the proposed driveway approach and the intersection from 230 feet to 75 feet as per the Street Design Criteria Manual be denied.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the March 25, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.