

STAFF REPORT
May 27, 2004

No. 04SV025 - 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

ITEM 30

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Walgar Development
REQUEST	No. 04SV025 - 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
EXISTING LEGAL DESCRIPTION	A portion of Tract B of Robbinsdale No. 10, and a portion of the SE1/4 of the NW1/4 of the SE1/4, located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1 of Block 1, Minnesota Park Subdivision, located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.662 acres
LOCATION	Southeast of Wisconsin Avenue and East Minnesota Street
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Medium Density Residential District
East:	Low Density Residential District w/Planned Residential District
West:	Office Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	04/27/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

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 approved with the following stipulation:

1. That a ten foot wide public utility and pedestrian access easement shall be provided

STAFF REPORT
May 27, 2004

No. 04SV025 - 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

ITEM 30

along the north 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 for Minnesota Street in accordance with Chapter 16.12.010.C of the Municipal Code. The applicant has previously submitted a Preliminary Plat to subdivide the subject property to create a 1.662 acre commercial lot leaving two non-transferable balances. The Preliminary Plat will be heard at the May 17, 2004 City Council meeting with a recommendation to continue to the June 7, 2004 City Council meeting. (See companion item #04PL043.)

The subject property is located in the southeast corner of the Wisconsin Street/Minnesota Street right-of-way and is currently void of any structural development.

STAFF REVIEW:

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

Minnesota Street: Minnesota Street is located along the north lot line of the subject property and is classified as a minor arterial street on the Major Street Plan. The Street Design Criteria Manual requires a minimum 100 foot wide right-of-way for a minor arterial street. Currently, Minnesota Street has an 80 foot right-of-way width. As such, the plat must be revised to provide an additional ten 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. The agreement includes that portion of Minnesota Street adjacent to the subject property. The Major Street Plan was initially adopted by the City on January 15, 1996 and identified Minnesota Street as a collector street. In July of 2000, the Major Street Plan was amended reclassifying Minnesota Street as a minor arterial street. At the time the above referenced agreement was entered into, the 80 foot right-of-way width was sufficient for a collector street. 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 street.

The Long Range Transportation Plan identifies that in the year 2025, 7,000 peak week daily traffic trips will be generated along Minnesota Street. Future development within the area may require improvements and/or expansion to 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 north lot line of the subject property to accommodate pedestrian access and any future location and/or relocation of public utilities.

STAFF REPORT
May 27, 2004

No. 04SV025 - 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 **ITEM 30**

On November 17, 2003, the City Council approved a similar Variance to the Subdivision Regulations request to waive the requirement to dedicate ten additional feet of right-of-way on a portion of Minnesota Street located west of the subject property with the stipulation that a ten foot wide public utility and pedestrian access easement be dedicated. The ten foot wide public utility and pedestrian access easement was required in order to insure sufficient area for pedestrian access and public utilities if and when additional improvements are needed.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 27, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.