

STAFF REPORT

July 8, 2004

No. 04SV039 - 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 26

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Jim Scull
REQUEST	No. 04SV039 - 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 Lot B of "Government" Lot 4 , Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 14 of Block 1, Lots 1 thru 6 of Block 2, and Lot 1 of Block 3, Kennsington Heights Subdivision, located in "Government" Lot 4, , Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.163 acres
LOCATION	West of the future intersection to Elm Avenue and Field View Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Agriculture District
East:	Low Density Residential District/General Agriculture District
West:	Public District/General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	06/11/2004
REVIEWED BY	Vicki L. Fisher / Sig Zvejnieks

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
July 8, 2004

No. 04SV039 - 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 26

along the east lot line of the subject property.

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 along Elm Avenue as it abuts the subject property. On July 6, 2004, the City Council will consider a Preliminary Plat to subdivide the subject property into 21 residential lots leaving an approximate ten acre non-transferable balance. In addition, the applicant has submitted a Master Plan showing the future platting of a portion of the non-transferable balance into 21 additional residential lots leaving approximately four acres as a non-transferable balance. Currently, a single family residence and a pole barn are located on the four acre non-transferable balance.

In 2001, the City Council denied without prejudice at the applicant's request a Layout Plat proposing to subdivide the 14.61 acre parcel into 42 residential lots leaving a non-transferable balance. That proposal was similar to the applicant's Master Plan submitted with this request. At that time, the applicant was unable to obtain right-of-way for the extension of Elm Avenue which was identified as the sole legal and physical access to the subject property.

On February 16, 2004, the City Council approved a Layout Plat subdividing the subject property as shown on this Preliminary Plat. In addition, the City Council acknowledged the applicant's request to withdraw an associated Preliminary Plat since the right-of-way for Elm Avenue had not been dedicated.

STAFF REVIEW:

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

Elm Avenue: The Preliminary Plat identifies Elm Avenue located on an adjacent property, east of the subject property, serving as access to the site. On April 8, 2004, the adjacent property owner submitted a Preliminary Plat to subdivide a 2.79 acre parcel into eight residential lots as Phase V of the Meadows Subdivision. In addition, the Preliminary Plat identified the dedication of the portion of Elm Avenue that abuts the subject property. Elm Avenue is classified as a minor arterial street requiring that it be located within a minimum 100 foot wide right-of-way. The construction plans show the street to be located in an 80 foot wide right-of-way and constructed with a 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. On June 21, 2004, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to dedicate ten additional feet of right-of-way from the adjacent property with the stipulation that the plat document be revised to show the dedication of a ten foot wide pedestrian access and utility easement along Elm Avenue. The applicant is requesting that a similar Variance to the Subdivision Regulations for that portion of Elm Avenue that abuts the subject property be approved with the same stipulation of approval.

Elm Avenue has been identified as a minor arterial street on the City's Major Street Plan

STAFF REPORT
July 8, 2004

No. 04SV039 - 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 26

since 2000. Recently platted properties along other minor arterial streets within the City's platting jurisdiction have required that additional right-of-way be dedicated as needed. However, the applicant's consultant has submitted meeting notes taken on December 2, 2002 with City Staff, the applicant's consultant and Harold Bies regarding property owned by Mr. Bies located directly south of the subject property. At the meeting, Randy Nelson with the City's Engineering Division indicated that he would support the dedication of a ten foot wide pedestrian access and utility easement along Elm Avenue in lieu of dedicating the additional right-of-way.

Even though the statement was made regarding property located south of the subject property, requiring the dedication of ten additional feet of right-of-way for Elm Avenue as it abuts the subject property will now result in a discontinuous street design. In particular, the existing Elm Avenue right-of-way located directly north of the subject property is currently 80 feet wide and, as noted, staff previously indicated support of allowing an 80 foot wide right-of-way on property located directly south of the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be granted with the stipulation that the plat document be revised to show a ten foot wide pedestrian access and utility easement along Elm Avenue. Waiving the requirement to dedicate additional right-of-way along Elm Avenue should in no way establish a precedent to waive the requirement to dedicate additional right-of-way along other streets in the City's platting jurisdiction.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the July 8, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.