

STAFF REPORT
September 9, 2004

No. 04SV050 - Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet and reduce the pavement width from 40 feet to 36 feet as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 26

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04SV050 - Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet and reduce the pavement width from 40 feet to 36 feet as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of Tract B of Parcel C, MJK Subdivision residing within the S1/2 SW1/4 Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract A of Tract B of Parcel C, MJK Subdivision, SE1/4 SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 7.751 Acres
LOCATION	At the northeast corner of Elm Avenue and Enchanted Pines Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	General Agriculture District
East:	Medium Density Residential District
West:	Low Density Residential District/General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/13/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet and reduce the pavement width from 40 feet to 36 feet 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

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ITEM 26

along the north lot line of the subject property.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet and to reduce the pavement width from 40 feet to 36 feet along Elm Avenue as it abuts the subject property. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan to change the road classification on Enchanted Pines Road from a collector street to a sub-collector street. (See companion item #04CA041.)

On August 5, 2004, the Planning Commission approved a Preliminary Plat to subdivide the subject property into a 7.751 acre lot, leaving a 71.419 acre balance. City Council will hear this item at their September 7, 2004 City Council meeting.

The property is located approximately 380 feet south of the Hanover Drive/Elm Avenue intersection on the east side of Elm Avenue and is currently void of any structural development.

STAFF REVIEW:

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

Elm Avenue: Elm Avenue is located along the west lot line of the subject property and is classified as a minor arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. 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. In addition, the applicant is proposing to dedicate a ten foot wide pedestrian access and utility easement along Elm Avenue in lieu of dedicating the ten additional feet of right-of-way.

Elm Avenue has been identified as a minor arterial street on the City's Major Street Plan 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 the subject property which is owned by Harold Bies. 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 and reducing the pavement width from 40 feet to 36 feet.

The City Council has recently approved a similar Subdivision Regulations Variance request to waive the additional right-of-way and pavement width on that portion of Elm Avenue

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ITEM 26

located directly north of the subject property. Requiring the dedication of ten additional feet of right-of-way and pavement width for Elm Avenue as it abuts the subject property will now result in a discontinuous street design. 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 and pavement width along Elm Avenue should in no way establish a precedence to waive the requirement to dedicate additional right-of-way and construct additional pavement 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 September 9, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.