

STAFF REPORT
July 7, 2005

No. 05SV041 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to install street light conduit along Minnesota Street and Fifth Street and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code

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3GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Walgar Development Corp.
REQUEST	No. 05SV041 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to install street light conduit along Minnesota Street and Fifth Street and to allow a lot twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of the N1/2 SE1/4, and a portion of tract B, Robbinsdale Addition No. 10 all located Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1, Block 2, Minnesota Park Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.026 acres
LOCATION	At the southeast corner of Minnesota Street and Fifth Street
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Office Commercial District
South:	Public District
East:	Office Commercial District
West:	No Code (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/10/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow a lot twice as long as

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wide be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to provide street light conduit along Fifth Street and Minnesota Street be tabled;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Minnesota Street be approved with the following stipulation:

1. That a ten foot wide public utility and pedestrian access easement shall be provided along the north lot line of the subject property.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate an additional ten feet of right-of-way along Minnesota Street; to install street light conduit along Minnesota Street and Fifth Street; and to allow a lot twice as long as it is wide. In addition, the applicant has submitted a Preliminary Plat to create a 3.026 acre commercial lot. (See companion item #05PL111.)

The property is located in the southeast corner of the intersection of Fifth Street and Minnesota Street 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:

Length to Width: The applicant has requested a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide. However, the proposed lot does not exceed this requirement. As such, staff is recommending that the Variance request to allow a lot twice as long be tabled.

Street Light Conduit: Street light conduit currently exists in Minnesota Street and Fifth Street as they abut the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit be tabled.

Minnesota Street: Minnesota Street is located along the north lot line of the subject property and is classified as a minor arterial road on the Major Street Plan. The Street Design Criteria Manual requires a minimum 100 foot right-of-way for a minor arterial road. Currently, Minnesota Street has an 80 foot right-of-way width. As such, the plat must be revised to provide an additional 10 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

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adjacent to the subject property. The applicant has expressed his opinion that the agreement precludes the need to dedicate ten additional feet of right-of-way as a part of the associated plat.

The Major Street Plan was initially adopted by the City on January 15, 1996 and identified Minnesota Street as a collector road. In July of 2000, the Major Street Plan was amended reclassifying Minnesota Street as a minor arterial road. At the time the above referenced agreement was entered into, the 80 foot right-of-way width was sufficient for a collector road. 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 road.

Currently, the property is an unplatted nontransferable balance precluding the property's transfer until such time as the plat is approved by the Rapid City Council and property recorded. Platting the property as proposed will allow for the property to be transferred and subsequently developed. As such, the platting process requires that all requirements of the Street Design Criteria Manual be met.

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 an expansion to the Maple Avenue/Minnesota Street intersection. In addition, the Major Street Plan identifies a bike path to be located along the north side of 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 south lot line of the subject property to accommodate the bike path as shown on the Major Street Plan and any future location and/or relocation of public utilities.

The City Council recently approved a similar Variance to the Subdivision Regulations request to waive the requirement to dedicate ten additional feet of right-of-way at the western terminus of Minnesota Street with the stipulation that a ten foot wide public utility and pedestrian access easement be dedicated. That property was located along the north side of Minnesota Street directly west of the subject property. The ten foot wide public utility and pedestrian access easement was required in order to insure sufficient area for the bike path and public utilities if and when additional improvements are needed at the intersection.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the July 7, 2005 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.

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