

STAFF REPORT
August 25, 2005

No. 05SV053 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, sidewalk, water and sewer along Birch Avenue; and to waive sidewalk and the dedication of additional right-of-way along St. Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 37

GENERAL INFORMATION:

PETITIONER	Gregory Pinholt for Sidney A. Hansen
REQUEST	No. 05SV053 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, sidewalk, water and sewer along Birch Avenue; and to waive sidewalk and the dedication of additional right-of-way along St. Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 1 through 8 and 16, Block A, Hansen Heights, located in Lot 7 in the W1/2 of the SE1/4 SW1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract B, Block 4, Hansen Heights, located in Lot 7 in the W1/2 of the SE1/4 SW1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.368 acres
LOCATION	At the northern terminus of Ivy Avenue and adjacent to the north side of East Saint Patrick Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District - General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/11/2005
REVIEWED BY	Vicki L. Fisher / Michelle Horkey

STAFF REPORT
August 25, 2005

No. 05SV053 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, sidewalk, water and sewer along Birch Avenue; and to waive sidewalk and the dedication of additional right-of-way along St. Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 37

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, sidewalk, water and sewer along Birch Avenue be tabled; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to dedicate ten additional feet of right-of-way along East St. Patrick Street be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Birch Drive and to install sidewalk and to dedicate additional right-of-way along East St. Patrick Street as they abut the subject property. In addition, the applicant has submitted a Preliminary Plat to replat the subject property, nine lots, into one commercial lot. (See companion item #05PL144.)

The property is located approximately 750 feet east of the intersection of Elm Avenue and East St. Patrick Street on the north side of East St. Patrick Street. Currently, the property is void of any structural development.

STAFF REVIEW:

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

East St. Patrick Street: East St. Patrick Street is located along the south lot line of the subject property and is classified as a principal arterial street on the City's Major Street Plan requiring that it 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. Currently, East St. Patrick Street is located in an 80 foot wide right-of-way and constructed with a 40 foot wide paved surface, curb, gutter, street light conduit and water. In addition, a sidewalk is currently located directly west of the subject property. Staff has also noted that a worn walk path exists along East St. Patrick Street as it abuts the subject property. Requiring the construction of a sidewalk along the subject property as it abuts East St. Patrick Street will provide continuous pedestrian access on a sidewalk along the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be denied.

In the past, the City Council has allowed a ten foot wide pedestrian access and utility easement to be dedicated along arterial streets in lieu of right-of-way when the classification of the street has changed since the original adoption of the Major Street Plan. However, East St. Patrick Street has always been identified as a principal arterial street on the Major

STAFF REPORT
August 25, 2005

No. 05SV053 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, street light conduit, sidewalk, water and sewer along Birch Avenue; and to waive sidewalk and the dedication of additional right-of-way along St. Patrick Street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 37

Street Plan. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied.

Birch Avenue: On October 6, 1997, the City Council approved a Vacation of Right-of-way request to vacate Birch Avenue, including that portion located adjacent to the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Birch Drive be tabled.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the August 25, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.