

STAFF REPORT
February 22, 2007

No. 07SV003 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Minnesota Street and to waive the requirement to install sewer along Cambell Street as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Bies Highway 79 LLP
REQUEST	No. 07SV003 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Minnesota Street and to waive the requirement to install sewer along Cambell Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of Hamilton Subdivision, located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots A, B, C and D of Hamilton Subdivision, located in the SE1/4 of the NE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.06 acres
LOCATION	North of Minnesota Street and west of S.D. Highway 79
EXISTING ZONING	General Commercial District (Planned Development Designation) - Office Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Low Density Residential District (Planned Residential Development) - General Commercial District
East:	Heavy Industrial District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/26/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to

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dedicate additional right-of-way along Minnesota Street be approved with the following stipulation;

1. A ten foot wide utility and pedestrian access easement shall be provided along the south property line of lot 2 beginning at the southeast corner of Lot 2 and extending to the extension of the west right-of-way line of Triple Crown Drive; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along Cambell Street be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along Cambell Street and to dedicate an additional ten feet of right-of-way along Minnesota Street. In addition, the applicant has submitted a Preliminary Plat application to subdivide the subject property into four lots. (See companion item No. 07PL014.)

On December 17, 2001, the City Council approved a Final Plat to subdivide the subject property into two lots. In addition, the City Council approved a Variance to the Subdivision Regulations to reduce the dedication of additional right-of-way along Minnesota Street from 17 feet to seven feet with a stipulation that "a ten foot wide pedestrian access and utility easement be provided along the south property line of Lot 2 beginning at the southeast corner of Lot 2 and extending to the extension of the west right-of-way line of Heartland Drive". (See companion items No. 01PL064 and 01SV018.)

The property is located in the northwest corner of the intersection of Cambell Street and Minnesota 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:

Sewer: Currently, a sewer main is not located within the Cambell Street right-of-way as it abuts the subject property. However, the construction plans identify that the subject property will be served by a sewer main located along Minnesota Street. In addition, a sewer main exists north and south of the subject property within the Cambell Street right-of-way to serve the adjacent properties along Cambell Street. In addition, the sewer north of the subject property gravity sewers to the north and the sewer located south of the subject property gravity sewers to the east. As such, there is not a need to extend and/or connect the sewer along Cambell Street as it abuts the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Cambell Street be approved with the stipulation that prior to City Council approval, the applicant sign a waiver of right to protest any future assessment for the improvement.

Minnesota Street: Minnesota Street is identified as a minor arterial street on the City's Major

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Street Plan. The Street Design Criteria Manual states that a minor arterial street must be located in a minimum 100 foot wide right-of-way. Minnesota Street is currently located within an 80 foot wide right-of-way. As previously indicated, in 2001, the City Council approved a Variance to the Subdivision Regulations to reduce the dedication of additional right-of-way along Minnesota Street as it abuts the subject property from 17 feet to seven feet with a stipulation that "a ten foot wide pedestrian access and utility easement be provided along the south property line of Lot 2 beginning at the southeast corner of Lot 2 and extending to the extension of the west right-of-way line of Heartland Drive". During the review of the previously requested Variance to the Subdivision Regulations staff noted that a major drainage feature is located along the north property line requiring the inclusion of a 100 foot wide major drainage easement. The applicant subsequently indicated that with the granting of a 100 foot wide drainage easement and the dedication of an additional 17 feet of right-of-way, development of the subject property would not be economically feasible. The Engineering Staff had further discussions with the applicant and agreed that, with the granting of a ten foot wide utility and pedestrian access easement along the eastern 425 feet of the subject property, an 80 foot wide right-of-way would be sufficient for the future expansion of Minnesota Street. Therefore, staff recommended approval of the Subdivision Variance request and the City Council, subsequently, approved the request.

The Preliminary Plat identifies the previously dedicated ten foot wide utility and pedestrian access easement. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Minnesota Street be approved with the stipulation that a ten foot wide utility and pedestrian access easement shall be provided along the south property line of lot 2 beginning at the southeast corner of Lot 2 and extending to the extension of the west right-of-way line of Triple Crown Drive. (Please note that Heartland Drive has been renamed Triple Crown Drive.)

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the February 22, 2007 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.