

STAFF REPORT  
November 8, 2007

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**No. 07SV058 - Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement and to reduce the right-of-way width along Minnesota Street from 100 feet to 80 feet as per Chapter 16 of the Rapid City Municipal Code**

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**ITEM 49**

GENERAL INFORMATION:

APPLICANT	Gary Rasmusson for Walgar Development Corp.
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Gary Rasmusson for Walgar Development
REQUEST	<b>No. 07SV058 - Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement and to reduce the right-of-way width along Minnesota Street from 100 feet to 80 feet as per Chapter 16 of the Rapid City Municipal Code</b>

EXISTING  
LEGAL DESCRIPTION

A portion of the NW1/4 of the NE1/4 of the SE1/4, a portion of the E1/2 of the NW1/4 of the SE1/4, and a portion of Tract B of Robbinsdale Addition No. 10, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the right-of-way of Wisconsin Avenue, and the Point of Beginning; Thence, first course: N70°21'03"E along the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 119.95 to a point on the westerly boundary of Lot 14 of Block 23 of Robbinsdale Addition No. 10; Thence, second course: S25°27'00"E, along the westerly boundary of said Lot 14 of Block 23 of Robbinsdale Addition No. 10, a distance of 90.08 feet, to the southwesterly corner of said Lot 14 of Block 23 of Robbinsdale Addition No. 10, common to a point on the northerly edge of the right-of-way of East Minnesota Street; Thence, third course: southwesterly, along the northerly edge of said East Minnesota Street right-of-way, curving to the left on a curve with a radius of 1343.10 feet, a delta angle of 05°09'18", an arc length of 120.84 feet, a chord bearing of S55°55'34"W, and a chord distance of 120.80 feet, to the intersection of the northerly edge of said East Minnesota Street right-of-way, intersecting with the easterly edge of the right-of-way of said Wisconsin Avenue; Thence, fourth course:

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northwesterly, along the easterly edge of said Wisconsin Avenue right-of-way, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 18°19'43", an arc length of 75.53 feet, a chord bearing of N28°51'00"W, and a chord distance of 75.21 feet, to a point of tangency; Thence, fifth course: N19°41'41"W, along the easterly edge of said Wisconsin Avenue right-of-way, a distance of 45.47 feet, to the southwest corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the right-of-way of said Wisconsin Avenue, and the Point of Beginning

PROPOSED

LEGAL DESCRIPTION

Lot 27 of Block 23 of Robbinsdale Addition No. 10, located in the NW1/4 of the NE1/4 of the SE1/4, the E1/2 of the NW1/4 of the SE1/4, and in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

PARCEL ACREAGE

Approximately 0.296 acres

LOCATION

North of the intersection of East Minnesota Street and Wisconsin Avenue

EXISTING ZONING

Low Density Residential District

SURROUNDING ZONING

North: Low Density Residential District  
South: Office Commercial District  
East: Low Density Residential District  
West: Office Commercial District

PUBLIC UTILITIES

City sewer and water

DATE OF APPLICATION

10/2/2007

REVIEWED BY

Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement be approved; and,

That the Variance to the Subdivision Regulations to reduce the right-of-way width along Minnesota Street from 100 feet to 80 feet as per Chapter 16 of the Rapid City Municipal Code be

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approved with the following stipulation:

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

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to provide a planting screen easement along the south lot line and to reduce the right-of-way width along Minnesota Street from 100 feet to 80 feet as it abuts the property. In addition, the applicant has submitted a Preliminary Plat (#07PL140) to create a 0.296 acre lot from the property leaving two unplatted non-transferable balances.

The property is located in the northeast corner of the intersection of Wisconsin Avenue and E. Minnesota Street. Currently, the property is void of any structural development.

STAFF REVIEW:

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

Minnesota Street: Minnesota Street is located along the south lot line of the subject property and is classified as a minor arterial street on the Major Street Plan. The Street Design Criteria Manual requires a minimum 100 foot wide right-of-way for a minor arterial street. 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 adjacent to the subject property. The Major Street Plan was initially adopted by the City on January 15, 1996 and identified Minnesota Street as a collector street. In July of 2000, the Major Street Plan was amended reclassifying Minnesota Street as a minor arterial street. At the time the above referenced agreement was entered into, the 80 foot right-of-way width was sufficient for a collector street. Due to the amendment to the Major Street Plan in 2000, any platting along Minnesota Street now requires that 10 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 street.

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 expansion to 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 10 foot wide public utility and pedestrian access easement be provided along the north lot line of the subject property to accommodate pedestrian access and any future location and/or relocation of public utilities.

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On November 17, 2003, the City Council approved a similar Variance to the Subdivision Regulations request to waive the requirement to dedicate 10 additional feet of right-of-way on a portion of Minnesota Street located west of the subject property with the stipulation that a 10 foot wide public utility and pedestrian access easement be dedicated. The 10 foot wide public utility and pedestrian access easement was required in order to insure sufficient area for pedestrian access and public utilities if and when additional improvements are needed.

On June 7, 2004, the City Council approved another similar Variance to the Subdivision Regulations request to waive the requirement to dedicate 10 additional feet of right-of-way along Minnesota Street in conjunction with a Preliminary Plat to create a 4.423 acre lot located along the south side of Minnesota Street. The applicant's Engineer argued that all of the street improvements could be constructed within the 80 foot wide right-of-way with the exception of the bike path which is shown to be located along the north side of Minnesota Street. As such, the stipulation to provide a 10 foot wide public utility and pedestrian access easement was waived.

The proposed lot is located along the north side of Minnesota Street. In addition, the City's adopted bike route shows a bike path along the south lot line of the property as it abuts Minnesota Street. As such, staff is recommending that the Variance to the Subdivision Regulations to reduce the right-of-way width along Minnesota Street from 100 feet to 80 feet be approved with the stipulation that a 10 foot wide public utility and pedestrian access easement be dedicated.

Planting Screen Easement: Chapter 16.12.190.E states that a planting screen easement shall be provided along lot lines abutting an arterial street in order to preclude right of access from the arterial street. Minnesota Street abuts the south lot line of the property and is classified as a minor arterial street on the City's Major Street Plan requiring a planting screen easement. However, the Preliminary Plat identifies a non-access easement along the south lot line. Since the primary intent of the planting screen easement is to preclude access and the plat document shows a non-access easement along the arterial street, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide the planting screen easement be approved.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 8, 2007 Planning Commission meeting if this requirement has not been met.