

STAFF REPORT
January 10, 2008

No. 07SV065 - Variance to the Subdivision Regulations to reduce the Right-of-way width along West Kansas City Street from 59 feet to 55 feet and to reduce the Right-of-Way width along Jackson Boulevard from 100 feet to 65 feet as per Chapter 16.16 of the Rapid City **ITEM 70**

GENERAL INFORMATION:

APPLICANT/AGENT	Arleth & Associates
PROPERTY OWNER	Thomas P. Walsh, Sr. Family Limited Partnership
REQUEST	No. 07SV065 - Variance to the Subdivision Regulations to reduce the Right-of-way width along West Kansas City Street from 59 feet to 55 feet and to reduce the Right-of-Way width along Jackson Boulevard from 100 feet to 65 feet as per Chapter 16.16 of the Rapid City
EXISTING LEGAL DESCRIPTION	Plat of the Days Inn Tract and Burger King Tract a replat of Lot 2 of the Trijowinn Subdivision, located in the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 2 of the Trijowinn Subdivision, located in the NW1/4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.38 acres
LOCATION	719 Jackson Boulevard
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/13/2007
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the Right-of-way width along Jackson Boulevard from 100 feet to 65 feet be denied without prejudice; and,

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That the Variance to the Subdivision Regulations to reduce the Right-of-way width along West Kansas City Street from 59 feet to 55 feet be denied.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along West Kansas City Street and Jackson Boulevard. In addition, the applicant has submitted a Preliminary Plat (#07PL164) to subdivide the property, a 2.38 acre parcel, into two commercial lots.

On August 20, 2001, the City Council reviewed a similar Preliminary Plat (#01PL056) for the property and acknowledged the applicant's request that the item be withdrawn.

The property is located south of West Kansas City Street and west of Jackson Boulevard. Currently, Days Inn is located on the proposed "Days Inn Tract" and Burger King is located on the proposed "Burger King Tract".

STAFF REVIEW:

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

West Kansas City Street: West Kansas City Street is located along the north lot line and is classified as a commercial street requiring that it be located within a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, West Kansas City Street is constructed as a commercial street but is located within a 55 foot wide right-of-way. High volumes of commercial traffic exist along this section of West Kansas City Street due to the commercial uses within this area and the traffic circulation patterns designed with the development of the new Safeway Store and the existing shopping center. In addition, parking along the street further congests the roadway. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate two additional feet of right-of-way along West Kansas City Street be denied. Future expansion of the street may be needed to accommodate the commercial traffic and parking along the street.

Jackson Boulevard: Jackson Boulevard is located along the east lot line and is classified as a principal arterial street on the City's Major Street Plan requiring that it be located within 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, the street is constructed with an approximate 80 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The Preliminary Plat shows the street located within a 65 foot wide right-of-way. However, H lots have been dedicated along this portion of Jackson Boulevard resulting in 100 feet of right-of-way meeting the minimum requirements of the Rapid City Municipal Code. As such, staff is recommending that the Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 40 feet be denied

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without prejudice as the Variance is not required.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 10, 2008 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.