

STAFF REPORT
January 7, 2010

No. 09SV025 - Variance to the Subdivision Regulations to waive the requirement to allow a one foot public access and utility easement in lieu of a one foot right-of-way dedication and to reduce the pavement width from 27 feet to 24 feet as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 20

GENERAL INFORMATION:

APPLICANT	Wendline J. Ehli for Ehli Family Trust
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Ehli Family Trust
REQUEST	No. 09SV025 - Variance to the Subdivision Regulations to waive the requirement to allow a one foot public access and utility easement in lieu of a one foot right-of-way dedication and to reduce the pavement width from 27 feet to 24 feet as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The east 90 feet less north 8.5 feet of Block 103, the west 50 feet less the north 8.5 of Block 102, the east 115 feet less the north 8.5 feet of Block 102 all in Mahoney Addition, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots C, D and E of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.82 acres
LOCATION	125, 131 and 133 Mac Arthur
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer

STAFF REPORT
January 7, 2010

No. 09SV025 - Variance to the Subdivision Regulations to waive the requirement to allow a one foot public access and utility easement in lieu of a one foot right-of-way dedication and to reduce the pavement width from 27 feet to 24 feet as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 20

DATE OF APPLICATION 12/11/2009

REVIEWED BY Patsy Horton / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to allow a one foot public access and utility easement in lieu of a one foot right-of-way dedication and to reduce the pavement width from 27 feet to 24 feet as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall submit a revised plat document identifying a one foot Public Access and Utility Easement along the north lot lines; and
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the pavement improvement.

GENERAL COMMENTS: The applicant submitted a Variance to the Subdivision Regulations (#09SV025) to waive the requirement to dedicate additional right-of-way by providing a one foot Public Access and Utility Easement in lieu of dedicating an additional one foot of right-of-way and to waive the requirement for 27 feet of pavement section in lieu of providing the required 24 foot wide pavement section.

The applicant also submitted an application for Preliminary Plat (#09PL074) to relocate the common boundary between the properties, creating Lots C, D and E of Mahoney Addition #2. The lots were originally platted in 1928 and annexed into the City of Rapid City in 1949. The property is located adjacent to Mac Arthur Street along the south side of the street between Midway Street and Pearl Harbor Street. The existing residential structures were constructed in 1932, 1950 and 1972, respectively. The property is zoned Low Density Residential District. The applicant has indicated that the current parcel lines are being adjusted to accommodate the existing structures and fencing between the properties.

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

Street System: Mac Arthur Street is currently identified as a sub-collector, requiring a 52 foot right-of-way and a 27 foot wide paved surface, with curb, gutter, sewer, water, and street light conduit. The applicant has submitted a revised plat document identifying a one foot Public Access and Utility Easement along the north lot lines addressing the need for additional right-of-way. Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved with the stipulation that the plat identify a one foot Public Access and Utility Easement in lieu of the required additional one foot of right-of-way. This recommendation is specific to this instance only because Mac Arthur Street is identified as a local street not an arterial street and it is not

STAFF REPORT
January 7, 2010

No. 09SV025 - Variance to the Subdivision Regulations to waive the requirement to allow a one foot public access and utility easement in lieu of a one foot right-of-way dedication and to reduce the pavement width from 27 feet to 24 feet as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 20

anticipated that additional driving lanes will be needed in the future. Staff also recommends that the Variance to the Subdivision Regulations to waive the requirement to provide construction plans and provide a 27 foot pavement section with the stipulation that the applicant sign a waiver of right to protest any future assessment for the pavement section improvement.

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 January 7, 2010 Planning Commission meeting if this requirement is not met.