

STAFF REPORT

June 10, 2004

No. 04SV030 - Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet **ITEM 37**

GENERAL INFORMATION:

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| PETITIONER | Dream Design International, Inc. |
| REQUEST | No. 04SV030 - Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet |
| EXISTING LEGAL DESCRIPTION | Tract A of Parcel C less the Meadows Subdivision and less right-of-way MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PROPOSED LEGAL DESCRIPTION | Lots 2 thru 5, Block 10; and, Lots 17 thru 20, Block 8; all located in MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 2.79 acres |
| LOCATION | Along Field View Drive |
| EXISTING ZONING | Low Density Residential District |
| SURROUNDING ZONING | |
| North: | Low Density Residential District |
| South: | General Agriculture District |
| East: | Low Density Residential II District |
| West: | Low Density Residential District |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 05/03/2004 |
| REVIEWED BY | Vicki L. Fisher / Curt Huus |

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet be approved with the following stipulation:

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

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate ten additional feet of right-of-way along Elm Avenue as it abuts the subject property. On June 7, 2004 the City Council will consider a Preliminary Plat to

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subdivide the subject property into eight residential lots as Phase V of the Meadows Subdivision. In addition, the Preliminary Plat provides a street connection between Field View Drive and Elm Avenue.

The property is located at the southern terminus of Elm Avenue and is currently void of any structural development.

STAFF REVIEW:

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

Elm Avenue: Elm Avenue is located along the west lot line of the subject property and is classified as a minor arterial street on the City's Major Street Plan requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The construction plans show the street to be located in an 80 foot wide right-of-way and constructed with a 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the applicant is proposing to dedicate a ten foot wide pedestrian access and utility easement along Elm Avenue in lieu of dedicating the ten additional feet of right-of-way.

Elm Avenue has been identified as a minor arterial street on the City's Major Street Plan since 2000. Recently platted properties along other minor arterial streets within the City's platting jurisdiction have required that additional right-of-way be dedicated as needed. However, the applicant's consultant has submitted meeting notes taken on December 2, 2002 with City Staff, the applicant's consultant and Harold Bies regarding property owned by Mr. Bies located directly south of the subject property. At the meeting, Randy Nelson with the City's Engineering Division indicated that he would support the dedication of a ten foot wide pedestrian access and utility easement along Elm Avenue in lieu of dedicating the additional right-of-way.

Even though the statement was made regarding property located south of the subject property, requiring the dedication of ten additional feet of right-of-way for Elm Avenue as it abuts the subject property will now result in a discontinuous street design. In particular, the existing Elm Avenue right-of-way located directly north of the subject property is currently 80 feet wide and, as noted, staff previously indicated support of allowing an 80 foot wide right-of-way on property located directly south of the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be granted with the stipulation that the plat document be revised to show a ten foot wide pedestrian access and utility easement along Elm Avenue. Waiving the requirement to dedicate additional right-of-way along Elm Avenue should in no way establish a precedence to waive the requirement to dedicate additional right-of-way along other streets in the City's platting jurisdiction.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 10, 2004 Planning Commission meeting if this requirement is not met. Staff has not received any calls or

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inquires regarding this proposal.