

STAFF REPORT
June 10, 2004

No. 04SV033 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Wisconsin Avenue as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 38

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting Inc. for Walgar Development
REQUEST	No. 04SV033 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Wisconsin Avenue as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of Tract B of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 2 of Block 1, Minnesota Park Subdivision, located 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 1.662 acres
LOCATION	South of Wisconsin Avenue and East Minnesota Street
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Medium Density Residential District
East:	Low Density Residential District w/PRD
West:	Office Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	05/14/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Wisconsin Avenue as per Chapter 16.16 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way for Wisconsin Avenue as it abuts the above

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legally described property.

On April 22, 2004 the Planning Commission recommended approval of two separate Layout and Preliminary Plats to subdivide the subject property into one 1.622 acre commercial lot and a 4.423 acre residential lot, respectively. (See file # 04PL043 and 04PL044.)

The property is located in the southeast corner of the Minnesota Street/Wisconsin Avenue intersection 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:

Wisconsin Avenue: The associated Layout and Preliminary Plat to create the 1.622 acre commercial lot identifies Wisconsin Avenue along the west lot line of the property. Wisconsin Avenue is identified as a commercial street requiring that the street 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. The construction plans show Wisconsin Avenue constructed as identified but located within a 49 foot right-of-way. The applicant has noted that the adjacent properties are zoned Office Commercial District which requires that off-street parking be provided to meet the minimum parking needs of any future proposed land use(s). In addition, the applicant has noted that the property located directly south of the subject property is zoned Medium Density Residential District. As such, the extension of Wisconsin Avenue through this site will be classified as a lane place street requiring a minimum 49 foot wide right of way with a minimum 24 foot wide paved surface. Requiring the two varied right-of-way widths will result in a discontinuous street section. Staff is recommending that the Variance to the Subdivision Regulations to reduce the right-of-way from 59 feet to 49 feet for a commercial street be approved as an experimental street. However, the applicant should be aware that if the street does not properly accommodate the commercial traffic, the experimental street design will not be supported elsewhere within 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 inquires regarding this proposal.