

STAFF REPORT
November 10, 2005

No. 05SV077 - Variance to the Subdivision Regulations to waive the requirement to install street light conduit; to dedicate additional right-of-way and to allow a lot twice as long as wide

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GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Walgar Development
REQUEST	No. 05SV077 - Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of Tract A, Robbinsdale Addition No. 10, located in the NE1/4 SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.476 acres
LOCATION	At the southeast corner of East Minnesota Street and Maple Avenue
EXISTING ZONING	Low Density Residential District (Planned Development Designation)
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development)
South:	Public District
East:	Low Density Residential District
West:	Office Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/9/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved with the following stipulation:

1. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide pedestrian access and utility easement along Minnesota Street.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations waive the requirement to dedicate additional right-of-way along Minnesota Street as it abuts the

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subject property.

On October 17, 2005, the City Council approved this same Variance request to waive the requirement to dedicate additional right-of-way with the stipulation that prior to submittal of a Final Plat application, the plat document be revised to show a ten foot wide pedestrian access and utility easement along Minnesota Street. (See file #05SV064.) The applicant has indicated that the same Variance is being requested in order for the Planning Commission and the City Council to consider eliminating the stipulation of approval requiring that the ten foot wide pedestrian access and utility easement be provided along Minnesota Street.

On November 7, 2005, the City Council will consider a Preliminary Plat to subdivide the subject property into nine residential lots leaving a non-transferable unplatted balance. (See companion item #05PL167.)

The property is located in the southeast corner of the intersection of Maple Avenue and Minnesota Street and is currently void of any structural development.

STAFF REVIEW:

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

Minnesota Street: Minnesota Street is located along the north 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 ten feet 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 ten 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

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of the area. However, staff is recommending that a ten 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.

The City Council approved similar Variance to the Subdivision Regulations requests to waive the requirement to dedicate ten additional feet of right-of-way along Minnesota Street with the stipulation that a ten foot wide public utility and pedestrian access easement be dedicated. The ten 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. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Minnesota Street be approved with the stipulation that prior to submittal of a Final Plat application, the plat document be revised to show a ten foot wide pedestrian access and utility easement along Minnesota Street.

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 November 10, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.