

STAFF REPORT

November 6, 2003

No. 03SV041 - Variance to the Subdivision Regulations to waive the requirements to dedicate an additional 10 feet of right of way along Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 16

GENERAL INFORMATION:

PETITIONER	Renner & Sperlich Engineering Company for Walgar Development Company
REQUEST	No. 03SV041 - Variance to the Subdivision Regulations to waive the requirements to dedicate an additional 10 feet of right of way along Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of the NW1/4 of the SE1/4 located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at northeasterly corner of Lot 19 of Block 6 of Robbinsdale Addition No. 10, common to a point on the southerly boundary of Lot 18 of Block 6 of Robbinsdale Addition No. 10, and the point of beginning; Thence first course: N69°41'00"E, along the southerly boundary of said Lot 18, a distance of 200.00 feet, to the southeasterly corner of said Lot 18; Thence second course: S19°41'41"E, a distance of 35.68 feet to a point of curve; Thence third course: curving to the left on a curve with a radius of 296.12 feet, a delta angle of 18°18'43", a length of 94.64 feet, a chord bearing of S28°50'29"E, and a chord distance of 94.24 feet, to a point on the northerly edge of right-of-way of Minnesota Street; Thence fourth course: curving to the left, along the northerly edge of right-of-way of said Minnesota Street, on a curve with a radius of 1343.10 feet, a delta angle of 00°14'20", a length of 5.60 feet, a chord bearing of S50°40'10"W, and a chord distance of 5.60 feet, to a point of curve; Thence fifth course: S50°33'00"W, along the northerly edge of right-of-way of said Minnesota Street, a distance of 97.98 feet, to a point of curve; Thence sixth course: curving to the right, along the northerly edge of right-of-way of said Minnesota Street, on a curve with a radius of 524.52 feet, a delta angle of 12°58'56", a distance of 118.85 feet, a chord bearing of S57°02'28"W, and a chord distance of 118.59 feet, to the southeast corner of said Lot 19; Thence seventh course: N20°19'00"W, along the easterly boundary of said Lot

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19, a distance of 188.77 feet, to the northwesterly corner of said Lot 19, and the point of beginning; said parcel contains 0.769 acres more or less

PARCEL ACREAGE	Approximately 0.769 acres
LOCATION	Northwest of the intersection of Wisconsin Avenue and Minnesota Street
EXISTING ZONING	Office Commercial District
SURROUNDING ZONING	
North:	Office Commercial District
South:	Office Commercial District
East:	Low Density Residential District/Office Commercial District
West:	Office Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	09/30/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirements to dedicate an additional 10 feet of right of way along Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

Engineering Division Recommendation:

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

GENERAL COMMENTS:

The applicant has submitted a request for a Variance to the Subdivision Regulations to waive the requirement to provide additional right-of-way in accordance with Chapter 16.12.010.C of the Municipal Code. The related Preliminary and Final Plat request proposes to create a .769 acre lot leaving a 4.581 acre non-transferable balance. The subject property is located in the northwest corner of the Wisconsin Avenue/Minnesota Street intersection on the north side of Minnesota Street. (See companion item #03PL093.)

STAFF REVIEW:

Staff has reviewed the Subdivision Regulations Variance request and has noted the

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following considerations:

Minnesota Street: Minnesota Street is located along the south lot line of the subject property and is classified as a minor arterial road on the Major Street Plan. The Street Design Criteria Manual requires a minimum 100 foot right-of-way for a minor arterial road. Currently, Minnesota Street has an 80 foot right-of-way width. As such, the plat must be revised to provide an additional 10 foot 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 applicant has expressed his opinion that the agreement precludes the need to dedicate ten additional feet of right-of-way as a part of the associated plat.

The Major Street Plan was initially adopted by the City on January 15, 1996 and identified Minnesota Street as a collector road. In July of 2000, the Major Street Plan was amended reclassifying Minnesota Street as a minor arterial road. At the time the above referenced agreement was entered into, the 80 foot right-of-way width was sufficient for a collector road. 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 road.

Currently, the property is an unplatted nontransferable balance precluding the property's transfer until such time as the plat is approved by the Rapid City Council and property recorded. Platting the property as proposed will allow for the property to be transferred and subsequently developed. As such, the platting process requires that all requirements of the Street Design Criteria Manual be met.

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 an expansion to the Maple Avenue/Minnesota Street intersection. In addition, the Major Street Plan identifies a bike path to be located along the north side of 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 of the area. However, staff is recommending that a ten foot wide public utility and pedestrian access easement be provided along the south lot line of the subject property to accommodate the bike path as shown on the Major Street Plan and any future location and/or relocation of public utilities.

The City Council recently approved a similar Variance to the Subdivision Regulations request to waive the requirement to dedicate ten additional feet of right-of-way at the western terminus of Minnesota Street with the stipulation that a ten foot wide public utility

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and pedestrian access easement be dedicated. That property was located along the north side of Minnesota Street directly west of the subject property. The ten foot wide public utility and pedestrian access easement was required in order to insure sufficient area for the bike path and public utilities if and when additional improvements are needed at the intersection.

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 6, 2003 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.