

STAFF REPORT
January 6, 2005

No. 04SV073 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks as per Chapter 16.16 of the Rapid City Municipal Code **ITEM 44**

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for Hart Ranch Development Co.
REQUEST	No. 04SV073 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 1, 2R, 17R, 19, 20, 21R, 22R, 24R, 25, 26, 31A, 31B, 32A, 32B, 33A, 33B, 34A, 34B, Village on the Green #2 Subdivision, Section 12 and 13, T1S, R7E, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 17.24 acres
LOCATION	Hart Ranch - Village on the Green #2
EXISTING ZONING	Planned Unit Development (County)
SURROUNDING ZONING	
North:	Planned Unit Development (County)
South:	Planned Unit Development (County)
East:	Planned Unit Development (County)
West:	Planned Unit Development (County)
PUBLIC UTILITIES	Community water and wastewater
DATE OF APPLICATION	12/07/2004
REVIEWED BY	Vicki L. Fisher / Dave Johnson

RECOMMENDATION:

Based on previous City Council action on the adjacent property, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalks as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicants shall sign a waiver of right to protest any future assessments for the improvements.

GENERAL COMMENTS:

The applicants have submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalks along both sides of Dogleg Drive, Hacker Loop, Birdie Court, and Mulligan Mile. The applicants consist of 18 property owners of lots located within

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the Village on the Green #2 Subdivision. Currently, a single family residence has been constructed on each lot.

The subject properties are located in Pennington County, outside of the City limits of Rapid City but with the City's three mile platting jurisdiction. Currently, the property is zoned Planned Unit Development. The Pennington County Planning Department has noted that the lot sizes and configurations are in compliance with the approved Planned Unit Development.

STAFF REVIEW:

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

Sidewalks: The City Council has previously approved twelve separate Variance requests to waive the requirement to construct sidewalks on both sides of the aforementioned streets. The Variance to the Subdivision Regulation requests were approved with the stipulation that a sidewalk be constructed along one side of the street(s). However, to date the sidewalks have not been constructed.

On September 7, 2004 the City Council approved a Preliminary Plat to create 26 townhome lots and to extend Mulligan Mile to Arena Drive on property located directly east of the subject properties. In addition, the City Council approved a Variance to the Subdivision Regulations to waive the requirement to construct a sidewalk along both sides of the streets contingent upon the applicant signing a waiver of right to protest any future assessment for the improvement. In addition, the Variance was granted contingent upon an eight foot wide paved asphalt walking trail being provided along the north side of the lots. At the meeting, several of the applicants voiced opposition to the requirement to construct a sidewalk along one side of the streets that abut their lots. In particular, they noted that the asphalt walking trail could provide pedestrian walking area for all of the lots within the subdivision, including the subject property. In addition, they provided pictures that show mature landscaping planted in the area for the construction of the sidewalk. The applicants have submitted a separate Variance to the Subdivision Regulations to waive the requirement to provide sidewalks along the front of their lots.

Extensive discussions have been held over the years regarding the provision of sidewalks within subdivisions. Sidewalks provide a safe and convenient location for pedestrians to walk separated from traffic. Studies have suggested that sidewalks provide for greater social interaction and strengthen residential neighborhoods. Sidewalks also provide a safe location for children to play. Walking is a popular recreational and fitness activity for residents of all ages. The walking trail will be constructed in a common area allowing access to all residents of the subdivision. Based on the previous City Council action on the adjacent property, staff is recommending that the Variance to the Subdivision Regulations be approved as requested with the stipulation that prior to City Council approval, the applicants sign a waiver of right to protest any future assessments for the improvements.

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Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the January 6, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.