

STAFF REPORT
November 10, 2005

No. 05SV067 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit and sewer, to reduce the pavement width from 40 feet to 27 feet and to waive the requirement to dedicate additional right-of-way along Carriage Hills Drive as per Chapter 16.16 of the Rapid City Municipal Code.

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Harley Taylor
REQUEST	No. 05SV067 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit and sewer, to reduce the pavement width from 40 feet to 27 feet and to waive the requirement to dedicate additional right-of-way along Carriage Hills Drive as per Chapter 16.16 of the Rapid City Municipal Code.
EXISTING LEGAL DESCRIPTION	A portion of the E1/2 SW1/4, Section 21, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 17 acres
LOCATION	At the southern terminus of Carriage Hills Drive
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/30/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive be approved with the following stipulations:

1. A sidewalk shall be constructed along one side of the street; and,
2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessments for the improvements;

That the Variance to the Subdivision Regulations to waive the requirement to dedicate additional

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right-of-way and to install sewer along Carriage Hills Drive be denied.

GENERAL COMMENTS:

(Update, November 2, 2005. All revised and/or added text is shown in bold print.)
This item and an associated Layout Plat were continued at the October 27, 2005 Planning Commission meeting at the applicant's request. On November 1, 2005, staff met with the applicant to discuss the stipulations of approval of the Layout Plat. In particular, it was noted that a Master Plan for the unplatted balance must be submitted for review and approval identifying the extension of Carriage Hills Drive to the south lot line of the subject property. Showing the street connection on the unplatted balance does not require that the right-of-way be dedicated as a part of this plat action or constructed at this time. The applicant indicated that a Master Plan would be submitted for review and approval prior to Planning Commission approval as identified.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk, street light conduit and sewer, to reduce the pavement width from 40 feet to 27 feet and to waive the requirement to dedicate additional right-of-way along Carriage Hills Drive as it abuts the subject property. In addition, the applicant has submitted a Layout Plat to subdivide the subject property, a 43 acre parcel, into three lots leaving an unplatted balance. (See companion item #05PL186.)

The subject property is located at the southern terminus of Carriage Hills Drive. Currently, a **riding arena and a barn are** located on the property.

STAFF REVIEW:

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

Carriage Hills Drive: Carriage Hills Drive currently terminates at the north lot line of the subject property. The street is classified as a minor arterial street on the City's Major Street Plan requiring that it be located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the construction plans must identify the construction of a permanent turnaround at the end of the cul-de-sac with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface. Currently, Carriage Hills Drive located north of the subject property is located in a **70** foot wide right-of-way and constructed with a 27 foot wide paved surface, curb, gutter and water. As such, staff is recommending that the Variance to the Subdivision Regulations to install street light conduit and the additional pavement be approved. However, the City Council has recently voiced concern with the lack of sidewalks along streets to provide pedestrian access and a safe place for children to play. As such, staff is recommending that the requirement to install sidewalks be approved with the stipulation that they be provided along one side of the street. In addition, staff is

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recommending that the applicant sign a waiver of right to protest any future assessment for the improvements.

Staff is also recommending that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be denied. This will insure that the minimum required right-of-way width exists when the street functions as a minor arterial street. Alternatively, the applicant may seek to amend the Major Street Plan to revise the designation of Carriage Hills Drive as an arterial street.

The applicant has indicated that sewer will be extended from Wildwood Subdivision to serve the subject property. However, sewer must also be extended along Carriage Hills Drive to provide sewer service to additional properties along Carriage Hills Drive as it is extended as shown on the Major Street Plan. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer be denied.

Legal Notification Requirement: The receipts from the certified mailings **have been returned.** **Staff has received a few calls inquiring about the Variance to the Subdivision Regulations request.**