

STAFF REPORT
November 23, 2005

No. 05SV074 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 36

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Steele's United, Inc.
REQUEST	No. 05SV074 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk and to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 37 and 39, Village on the Green No. 2 Subdivision, located in the SW1/4 SE1/4, Section 12, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 37A and 37B, and 39A and 39B, Village on the Green No. 2 Subdivision, located in the SW1/4 SE1/4, Section 12, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .648 acres
LOCATION	North and adjacent to Mulligan Mile
EXISTING ZONING	Planned Unit Development (Pennington County)
SURROUNDING ZONING	
North:	Planned Unit Development (Pennington County)
South:	Planned Unit Development (Pennington County)
East:	Planned Unit Development (Pennington County)
West:	Planned Unit Development (Pennington County)
PUBLIC UTILITIES	Community water and wastewater
DATE OF APPLICATION	10/26/2005
REVIEWED BY	Vicki L. Fisher / Michelle Horkey

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 stipulations:

1. A five foot wide access easement shall be provided along Mulligan Mile as it abuts the subject property; and,
2. A note shall be placed on the plat prohibiting "on-street" parking.

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That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk be approved with the following stipulation:

1. An eight foot wide asphalt walking trail shall be provided along the golf course.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalks along Mulligan Mile and to reduce the right-of-way of Mulligan Mile from 47 feet to 40 feet. In addition, the applicant has submitted a Preliminary Plat to create four townhome lots. (See companion item #05PL197.)

On May 5, 2003, the City Council approved a Preliminary and Final Plat creating four single family residential lots which included the subject property.

The property is a part of the Hart Ranch Planned Unit Development. Currently, a townhome is constructed on each of the lot(s).

STAFF REVIEW:

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

Street Width: The proposed street section including the width of the pavement is consistent with the adjacent development to the east and west. A previous Variance to the Subdivision Regulations was granted for this section of Mulligan Mile with the stipulation that a note be placed on the plat prohibiting on-street parking and that a five foot wide access easement be provided on either side of Mulligan Mile. Based on consistency with the previously approved street section and to provide roadway continuity, staff supports the variance request with the provision that a five foot wide access easement be identified along Mulligan Mile and that a note be placed on the plat prohibiting on-street parking.

Sidewalks: As noted, the developer is requesting that the requirement for sidewalks on both sides of the street be waived and that an eight foot wide asphalt walking trail be provided along the north side of the northern tier of lots along the golf course. Extensive discussions have been held over the years regarding the provision of sidewalks along residential streets. Sidewalks provide a safe and convenient location for pedestrians to walk separated from vehicular 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. A similar "internal" walkway system was developed in the Countryside development in southwest Rapid City. Staff has over the years received complaints from residents regarding the lack of sidewalks along the street and with the safety issues associated with residents walking in the street. Previous Variances to the Subdivision Regulations have been granted to waive the requirement to provide sidewalks within this portion of the Hart Ranch development with the stipulation that an eight foot wide asphalt walking trail be provided as shown on the applicant's site plan. Based on previous City Council action, staff recommends approval of the variance request with the provision that an

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eight foot wide asphalt walking trail be provided along the north side of the northern tier of lots located along the golf course.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 23, 2005 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.