

STAFF REPORT
September 21, 2006

No. 06SV054 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Elysian Court and Carriage Hills Drive and to reduce the pavement width along Carriage Hills Drive from 40 feet to 27 feet as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers, Inc. for Harley Taylor
REQUEST	No. 06SV054 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Elysian Court and Carriage Hills Drive and to reduce the pavement width along Carriage Hills Drive from 40 feet to 27 feet as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A parcel of land located in the N½ SW¼ of Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N½ SW¼ of said Section 21, said point being also known as the center of said Section 21 and said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 21 page 102) and also coincident with the northwest corner of Lot 9 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), said point being marked by a rebar with cap "LS 1019"; thence, southerly along the north-south quarter section line and along the west line of said Lot 9 of Block 3 of Wildwood Subdivision, S00°00'48"E, a distance of 170.74 feet more or less, to the southwest corner of said Lot 9 of Block 3, of Wildwood Subdivision, said point being coincident with the northwest corner of Lot 10 of Block 3 of Wildwood Subdivision, and said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing southerly along the center quarter section line and along the west line of said Lot 10 of Block 3 of Wildwood Subdivision, S00°03'36"W, a distance of 655.65 feet more or less, to the southwest corner of said Lot 10 of Block 3 of Wildwood Subdivision, said point being coincident with a point on the northerly line of Lot 11 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 18 on Page 75), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11

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of Block 3 of Wildwood Subdivision, S32°53'42"W, a distance of 67.03 feet more or less, to the westerly corner of said Lot 11 of Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12 of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 17 on Page 187), and said point being marked by a rebar with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 12 of Block 3 of Wildwood Subdivision, S32°58'25"W, a distance of 65.94 feet more or less, to the northwest corner of said Lot 12 in Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 13R of Block 3 of Wildwood Subdivision (as shown on the plat recorded in Plat Book 30 on Page 34), and said point being marked by a rebar with cap "FISK LS 1771"; thence, S90°00'00"W, a distance of 704.97 feet more or less; thence, N90°00'00"W, a distance of 747.30 feet more or less; thence, N69°00'53"W, a distance of 37.22 feet more or less; thence, southwesterly and curving to the right on a curve with a radius of 492.26 feet, a delta of 02°26'04", an arc length of 20.92 feet more or less, and a chord bearing of S25°13'48"W, and a chord distance of 20.91 feet, more or less; thence, N63°33'10"W, a distance of 100.00 feet more or less; thence, northeasterly and curving to the left on a curve with a radius of 392.26 feet, a delta of 09°44'59", an arc length of 66.75 feet more or less, and a chord bearing of N21°34'20"E, and a chord distance of 66.67 feet, more or less; thence, S83°00'00"W, a distance of 363.67 feet more or less; thence, S04°41'43"E, a distance of 202.00 feet more or less; thence, S35°35'41"W, a distance of 163.11 feet more or less, to a point on the 1/16th section line; thence, S89°47'34"W, a distance of 331.70 feet more or less, to a point on the 1/256th section line; thence, northerly along said 1/256th section line, N00°12'26"W, a distance of 463.97 feet more or less, to a point on the east-west one-quarter section line of said Section 21, said point also being located on the south line of Lot 9 of Block 5 of Westview Estates Subdivision (as shown on the plat recorded in Plat Book 27 on Page 177); thence, easterly along said one-quarter section line and along the south line of said Lot 9 of Block 5 of Westview Estates and along the south line of Lot 1 of

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Block 5 of Westview Estates (as shown on the plat recorded in plat Book 27 on Page 177), N89°47'51"E, a distance of 331.81 feet, more or less, to a point on the north-south 1/16th section line, said point being marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot One (1) of Block Five (5) of Westview Estates, N89°46'54"E, a distance of 272.14 feet more or less, to a point marked by a rebar; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 1 of Block 5 of Westview Estates and along the south line of Carriage Hills Drive right-of-way, N89°51'26"E, a distance of 270.78 feet more or less, to the southeast corner of the terminus of Carriage Hills Drive, said point also being coincident with the southwest corner of Lot 27 of Block 3 of Westview Estates (as shown on the plat recorded in Plat Book 27 on page 177), said point being marked by a rebar with survey cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°50'31"E, a distance of 224.99 feet, more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 27 of Block 3 of Westview Estates, N89°48'02"E, a distance of 29.61 feet more or less, to the southeast corner of said Lot 27 of Block 3 of Westview Estates, said point also being coincident with the southwest corner of Lot 26R of Block 3 of Westview Estates (as shown on the plat recorded in plat Book 27 on page 177), said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°52'45"E, a distance of 100.03 feet more or less, to a point marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates, N89°46'22"E, a distance of 165.37 feet more or less, said point being marked by a rebar with cap "FISK LS 1771"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot 26R of Block 3 of Westview Estates,

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N89°48'13"E, a distance of 134.59 feet more or less, to the southeast corner of said Lot 26R of Block 3 of Westview Estates, said point being coincident with the southwest corner of Lot R of Block 3 of Westview Estates, and said point being marked by a rebar with cap "LS 2652"; thence, continuing easterly along said one-quarter section line and along the south line of said Lot R of Block 3 of Westview Estates, N89°48'06"E, a distance of 130.02 feet more or less, to the point of beginning.

PROPOSED LEGAL DESCRIPTION	Lots 1, 2, 3, 4A, 4B, 5, 6, 7, 8, Elysian Heights Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 22.32 acres
LOCATION	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	8/25/2006
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive be approved;

That the Variance to the Subdivision Regulations to allow a lot twice as long as wide be approved; and,

If the Planning Commission determines it is appropriate, then the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Carriage Hills Drive and Elysian Court be approved.

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Carriage Hills Drive and Elysian Court; to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive; and, to allow a lot twice as long as wide. In addition, the applicant has submitted a Layout Plat to subdivide 43 acres into eight lots leaving an unplatted balance to be platted at a future date before transfer of ownership of the property. (See companion item #06PL141.)

On December 5, 2005, the City Council approved a Layout Plat to subdivide the subject property into three lots leaving an unplatted non-transferable balance. In addition, the City Council approved an Exception request to allow 54 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual.

On December 5, 2005, the City Council also approved a 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 as it abuts the subject property with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

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:

Lot Configuration: The Subdivision Regulations states that "...for lots in residential districts having a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width". The proposed Preliminary Plat identifies that three of the lots will have a length twice the distance of the width.

The lots are located along a proposed access street with a steep ravine along the south side of the property. The steep ravine limits any structural development within this area of the subject property. As such, the lots have been configured to incorporate the ravine into the individual lots with building envelopes along the proposed street. In addition, the lots are located along the terminus of a cul-de-sac street. Due to the design of the cul-de-sac street, there is limited lot frontage along the roadway. The subdivision design as shown on this plat is reasonable for the site. In addition, the lot configuration does not create any significant difficulties for use or maintenance. Staff is recommending that the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide be approved.

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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. 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. The plat document identifies the dedication of a 100 foot wide right-of-way for Carriage Hills Drive as it extends through the subject property. The applicant has submitted a Variance to the Subdivision Regulations request to reduce the pavement width from 40 feet to 27 feet. Requiring the additional pavement would create a discontinuous street design. As such, staff is recommending that the Variance to the Subdivision Regulations be approved. Please note that the applicant has already signed a waiver of right to protest any future assessment for the improvement as a stipulation of approval of the previous Variance granted in 2005.

Sidewalk: Sidewalks do not currently exist along Carriage Hills Drive. As such, the applicant has requested a Variance to the Subdivision Regulations to waive the requirement to install sidewalks along Carriage Hills Drive and Elysian Court as they abut the subject property. As noted above, the City Council previously approved a Variance to the Subdivision Regulations to waive the requirement to install sidewalks with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement. Please note that the applicant has signed the waiver document. If the Planning Commission determines it is appropriate to again grant the request, then the Variance to the Subdivision Regulations to waive the requirement to install sidewalk shall be approved.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the September 21, 2006 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.