

STAFF REPORT

April 24, 2003

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**No. 03SV015 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks on one side, and to allow the existing right of way width of Mulligan Mile as per Chapter 16.16 of the Subdivision Regulations**

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**ITEM 30**

GENERAL INFORMATION:

PETITIONER

FMG, Inc. for Hart Ranch Development Company

REQUEST

**No. 03SV015 - Variance to the Subdivision Regulations to waive the requirement to install sidewalks on one side, and to allow the existing right of way width of Mulligan Mile as per Chapter 16.16 of the Subdivision Regulations**

EXISTING

LEGAL DESCRIPTION

That part of the Hart Ranch Golf Course Parcel located in Section 12, T1S, R7E, BHM, Pennington County, South Dakota that lies within the following metes and bounds description: Commencing at a 5/8" rebar with aluminum survey cap marked "4225" which is the intersection of the Mulligan Mile private drive and the southeasterly lot line of Lot B of Lot 36 of Village on the Green No. 2 Subdivision; thence N49°40'17"E, 136.34 feet along the southeasterly lot line of Lot B of Lot 36 of Village on the Green No. 2 Subdivision to a 5/8" rebar with aluminum survey cap marked "4225"; thence S25°01'56"E, 73.86 feet to a point; thence S70°47'58"E, 39.35 feet to a point; thence S70°11'50"E, 48.97 feet to a point; thence S47°29'47"E, 69.30 feet to a point; thence S46°25'39"E, 117.51 feet to a 5/8" rebar with aluminum survey cap marked "4225" thence S34°23'03"W, 105.24 feet along the northwesterly lot line of Lot A of Lot 40 of Village on the Green No. 2 Subdivision to a 5/8" rebar with aluminum survey cap marked "4225"; thence N55°36'57"W, 240.77 feet along the northerly line of the Mulligan Mile Private road to a point; said point also being the point of curvature of a curve to the right having a central angle of 15°13'57" and radius of 490.00 feet; thence northwesterly 130.27 feet along the arc of the curve which is the northerly line of the Mulligan Mile Private road to a 5/8" rebar with aluminum survey cap marked "4225" which is the point of beginning

PROPOSED

LEGAL DESCRIPTION

Lot 37, Lot A of Lot 37, Lot B of Lot 38, and Lot 39 all located in Village on the Green No. 2 Subdivision, located in the SE1/4 SW1/4 SW1/4 SE1/4 of Section 12,

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T1S, R7E, Pennington County, South Dakota

PARCEL ACREAGE                      Approximately .99 acres

LOCATION                                      Hart Ranch Development

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 Sewer and Water

DATE OF APPLICATION              03/28/2003

REPORT BY                                Tom Kurtenbach

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations to allow sidewalks on one side, and to allow the existing right of way width along Mulligan Mile where it abuts the subject property be approved.

GENERAL COMMENTS: The applicant is requesting a Subdivision Regulations Variance request to waive the construction of sidewalks on one side of the street, and to allow the existing right of way width along Mulligan Mile where it abuts the subject property. This is a companion item to Preliminary and Final Plat #03PL037 proposing the creation of four lots.

On April 25, 1994, the Pennington County Board of Commissioners approved a Preliminary Plat to create a 45 lot residential development to be known as "Village on the Green No. 2". The subject property is a part of the approved Preliminary Plat. Prior to the subject property being included in the City Three Mile Platting Jurisdiction, the County Board of Commissioners approved Final Plats on 30 of the residential lots. Rapid City's platting jurisdiction boundaries have been extended due to annexation of properties to the south of the City, thus, platting or replatting of lots located in this subdivision must now be approved by the City of Rapid City.

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

As previously indicated, in 1994 the County approved a Preliminary Plat for "Village on the Green No. 2". In addition, a Subdivision Regulations Variance was obtained from the

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County to allow sidewalks on one side of the street. During the review, the County determined that the Planned Unit Development designation was intended to allow for a variety of development styles and alternative design criteria. The provision for sidewalks to be allowed on one side of the streets was allowed to enhance the rural quality of the subdivision that Hart Ranch is attempting to create and that now exists in other areas of Hart Ranch. The applicant also indicated that the close proximity of the golf course located along the south and north lot lines of the development allows for an open space to facilitate as a common area for the residents of the subdivision.

Mulligan Mile serves as legal access to the subject property, and is currently constructed with a forty foot wide right-of-way and a 24 foot wide paved surface with curb and gutter. The applicant had previously obtained a Subdivision Regulations Variance from the Pennington County Board of Commissioners to reduce the right-of-way width from 50 feet to 40 feet for all roadways within Village on the Green No. 2. The Subdivision Regulations Variance was granted with the condition that a five foot wide access easement be identified along the roadways and that a note be placed on the plat stating that on-street parking is prohibited. A five foot wide access easement has been identified along Mulligan Mile and a note has been placed on the plat stating that "on-street parking is prohibited". The Rapid City Planning Commission has recommended granting the variances for previously platted lots along Mulligan Mile.

Based on these criteria and to maintain street design consistency within the development, staff is recommending approval of the Subdivision Regulations Variance to allow sidewalks on one side, and to allow the existing right of way width along Mulligan Mile where it abuts the subject property.