

STAFF REPORT

July 10, 2003

No. 02SV042 - Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations **ITEM 23**

GENERAL INFORMATION:

PETITIONER	Dream Design International Inc.
REQUEST	No. 02SV042 - Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations
EXISTING LEGAL DESCRIPTION	The unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	A parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register off Deeds Office in Book 30, Page 155; thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 Feet; thence N11°40'26"E 155.33 Feet; thence N21°22'17"E 120.00 Feet; thence S68°37'43"E 160.00 feet; thence N21°22'17"E 632.95 feet; thence N68°45'17"W 12.50 feet; thence N21°22'17"E 24.00 feet; thence S68°45'17"E 8.37 feet; thence N21°22'31"E 32.50 feet; thence S68°45'17"E 20.00 feet; thence S21°22'31"W 32.50 feet; thence S68°45'17"E 45.63 feet; thence S21°22'17"W 24.00 feet; thence N68°45'17"W 12.50 feet; thence S21°22'17"W 124.33 feet; thence N90°00'00"E 96.61 feet; Thence S00°00'00"E 116.52 feet; thence S90°00'00"W 142.20 feet; thence S21°22'17"W 129.24 feet; thence S23°37'43"E 14.14 feet; thence S68°37'43"E 30.17 feet; thence S21°22'17"W 40.00 feet; thence N68°37'43"W 30.17 feet; thence S66°22'17"W 14.14 feet; thence S21°22'17"W 314.36 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 12°43'49", an arc length of 27.88 feet to a point tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose

STAFF REPORT

July 10, 2003

No. 02SV042 - Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations **ITEM 23**

radius 125.50 feet and whose delta is 34°44'55", an arc length of 76.11 feet to a point of reversed curvature; thence southerly along the arc of said reversed curve to the right whose radius 174.50 feet and whose delta is 31°36'04", an arc length of 96.24 feet to a point of tangency; thence S05°29'36"W 86.04 feet; thence S41°39'58"E 13.64 feet to a point lying on a curve concave to the south and whose chord bears N84°30'24"W, 69.00 feet; thence westerly along the arc of said curve to the left whose radius 438.00 feet and whose delta is 09°02'07", an arc length of 69.07 feet to a point on said curve; thence N48°34'56"E 14.64 feet; thence N05°29'36"E 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point of Beginning

PARCEL ACREAGE	Approximately 3.74 acres
LOCATION	Along the extension of Birkdale Road off Muirfield Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/25/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks be **denied without prejudice**.

STAFF REPORT

July 10, 2003

No. 02SV042 - Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations **ITEM 23**

This item has been continued several times since the November 21, 2002 Planning Commission meeting at the applicant's request. Staff had originally recommended that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalks be approved for that portion of Birkdale Road extending north of the proposed residential lots with the that any additional platting adjacent to this portion of Birkdale Road shall require that the street be improved to meet City street design standards.

The applicant has requested that this item be continued several times to allow them to address concerns expressed by a recent purchaser of an adjacent lot. The applicant has recently indicated that the site may be developed differently than shown on the associated plat document. As such, staff is recommending that the Variance to the Subdivision Regulations denied without prejudice. At such time as the applicant finalizes the new development plans, a Variance to the Subdivision Regulations request may be resubmitted without paying the application fee. Please note that no other part of this Staff Report has been revised.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk(s) along the northern portion of Birkdale Road. In addition, the applicant has submitted a Preliminary and Final Plat to subdivide the subject property to create four residential lots and an outlot. The applicant has also submitted a Planned Development Designation for the four residential lots to allow the construction of townhomes on this portion of the subject property. The applicant has indicated that the four residential lots will eventually be replatted into townhome lots. In addition, the applicant has submitted a Rezoning request to change the zoning of the four residential lots from General Agriculture District to Low Density Residential District. (See companion items #02PL114, 02PD063 and 02RZ065.)

The property is located north of Muirfield Drive and is a part of the Red Rock Estates Subdivision. A sewer lift station has recently been constructed on the outlot. The proposed residential lots are currently void of any structural development.

STAFF REVIEW:

During the review of the Variance to the Subdivision Regulations, staff identified the following considerations:

Road Design: The applicant has indicated that curb, gutter and sidewalks will be constructed along that portion of Birkdale Road located adjacent to the proposed residential lots. The northern portion of Birkdale Road will serve as access to the sewer lift station currently located on the outlot. As such, staff is recommending that the Variance to the Subdivision Regulations be approved for the northern portion of Birkdale Road. Any additional platting of residential lots adjacent to this portion of Birkdale Road will require that the street be

STAFF REPORT

July 10, 2003

No. 02SV042 - Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations

ITEM 23

improved to meet City street design standards.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has one call of inquiry regarding this proposal.