

STAFF REPORT
August 26, 2004

No. 04SV048 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalks and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Wyss Associates, Inc.
REQUEST	No. 04SV048 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalks and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	A portion of previously platted Golf Course Parcel and Gate House Parcel of Hart Ranch Development located in NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 42A, 42B, 43A, 43B, 44A, 44B, 45A, 45B, 46A, 46B, 47A, 47B, 48A, 48B, 49A, 49B, 50A, 50B, 51A, 51B, 52A, 52B, 53A, 53B, 54A, 54B, and platted private drive and utility easement shown as Mulligan Mile all located in Village on the Green No. 2 Subdivision, located in the NE1/4 of Section 13, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.28 Acres
LOCATION	Extending from the current eastern terminus of 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	Private Water and Sewer System
DATE OF APPLICATION	7/29/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to reduce the minimum

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required right-of-way for a subcollector street (no parking) from 47 feet to 40 feet for Mulligan Mile from it's current terminus east to Arena Drive be approved with the following stipulations:

1. A five foot access easement shall be provided along both sides of the Mulligan Mile private drive; and,
2. A note prohibiting on-street parking is placed on the plat.

That the Variance to the Subdivision Regulations to waive the requirement for sidewalks on both sides of Mulligan Mile be approved with the stipulation that sidewalk be provided on one side of Mulligan Mile except for the portion lying between the two cul-de-sacs (connector/service drive);

That the Variance to the Subdivision Regulations to waive the requirement for the installation of street light conduit along the entire length of Mulligan Mile be denied; and,

That the Variance to the Subdivision Regulations to allow a twenty foot paved surface and no curb and gutter for the connector/service drive connecting the two proposed cul-de-sacs be approved as an experimental subdivision with the following stipulations:

1. Information documenting that provisions have been made for ongoing snow removal and maintenance of the connector/service drive shall be submitted prior to Final Plat approval;
2. No parking signs shall be installed on the connector/service drive; and,
3. Adequate provisions for drainage shall be included in the design to protect the roadway surface of the connector/service drive.

GENERAL COMMENTS: This application contains requests for five variances to the City of Rapid City's subdivision regulations. They are:

- 1) A request to reduce the minimum required right-of-way for a subcollector street (no parking) from 47 feet to 40 feet for Mulligan Mile from it's current terminus east to Arena Drive;
- 2) A request to waive the requirement for sidewalks on both sides of the street and allow the development of a walking trail in lieu of the required sidewalk for the entire length of Mulligan Mile;
- 3) A request to waive the requirement for the installation of street light conduit along the entire length of Mulligan Mile;
- 4) A request to allow a 20 foot paved surface for the connector/service drive connecting the two proposed cul-de-sacs; and,
- 5) A request to waive the requirement for curb, gutter and sidewalk for the connector/service drive connecting the two proposed cul-de-sac.

The proposed development is a continuation of a phase of the Hart Ranch Development initiated and approved by Pennington County in 1994. At that time, the project was located outside of the City of Rapid City's Three Mile Platting Jurisdiction. Due to subsequent annexation, the property came into the City's Platting Jurisdiction. Subdivisions located directly adjacent to the west of this phase of the project have been reviewed and approved by the City of Rapid City.

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The phase of development currently under review was addressed as part of a Layout Plat application (03PL100) approved by the Rapid City Council on November 17, 2003. That Layout Plat identified the concept of eliminating the subcollector road connection from the existing Mulligan Mile development to the west and Arena Drive to the east. To address the need for permanent secondary access to more than forty dwelling units, the applicant proposed the construction of two cul-sacs with landscaping located in the middle of the project. The cul-de-sacs would be located approximately 200 feet apart. A 20 foot colored concrete connector/service drive would link the two cul-de-sac's so that during emergency situations, a secondary access would be available for emergency vehicles entering the area and residents needing to leave the area. The lots located to the west of the cul-de-sacs are identified as town home lots consistent with the adjacent development to the west. The lots located generally to the east of the cul-de-sacs are identified as being developed with multi-family (8) dwelling units. As noted above, two of the subdivision variance requests address the type of improvements required along this approximately 200-foot length of the connector/service.

Subdivision Variances have previously been granted to allow the development to the west to proceed with a similar street section as had originally been authorized in Pennington County. Several subdivision variances were granted to allow the forty-foot wide right-of way to match the right-of-way allowed previously by Pennington County. It should be noted that special exceptions have been granted previously to not require right-of-way to be dedicated for Mulligan Mile; rather, the plats reference the area as a "private drive." As a stipulation of the previous variances, an additional easement was required along the roadways and a note was required to be placed on the plat stating that on-street parking was not allowed. However, sidewalks have previously been required on one side in earlier phases of the Village on the Green development.

STAFF REVIEW:

Street Width – The proposed street section including the width of the pavement and the width of the proposed "private drive" is consistent with the adjacent development to the west. Splitting the road way into two separate segments will reduce the total traffic volume potentially experienced on either segment. Ten-foot utility easements have been provided on either side of the private drive along with a five-foot roadway easement on either side of the private drive. With the provision of a five foot access easement, the road segment is consistent with the previously approved subdivision variances and the road section previously authorized to the west. 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 access easement be identified along Mulligan Mile and a note be placed on the plat stating that "on-street parking is prohibited."

Sidewalks - As noted the developer is requesting that the requirement for sidewalks on both sides of the street be waived and that an 8 foot 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

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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. Further, the proposed design does not provide for any walkway system for the homes located along the south side of Mulligan Mile. For these reasons, staff cannot support the request to waive the sidewalk requirement; however, consistent with the development of other portions of Village on the Green, staff supports allowing sidewalks on one side of Mulligan Mile.

Street Light Conduit – The applicant has requested that the requirement for the installation of street light conduit be waived. While street lights are not currently installed in this area, the installation of the conduit during the construction phase will insure that street lights can be installed in the future without disturbing landscaping. The expense of the conduit is limited relative to the future benefit should it be determined that streetlights are needed for safety reasons.

Connector/Service Drive Improvements – As noted, the Layout Plat proposed the concept of developing a connector/service drive between the two proposed cul-de-sacs. This would provide a permanent, paved access between the two cul-de-sacs for emergency use. The applicant is requesting that this segment of road be a 20 foot wide paved road. The road will be located in a "private drive and utility easement." The applicant is requesting that no curb and gutter be required on this segment of road. The applicant has indicated that the use of the two cul-de-sac design will reduce the total potential traffic volume experienced on either segment and will function as a traffic calming device. Further, the proposed connector/service drive will provide the needed secondary permanent access for emergency services. Staff is supporting this request and the 20 foot wide paved section with no curb and gutter as an experimental subdivision request. This will allow the design to be utilized and evaluated before it is used in other areas of the community. Provisions must be made for ongoing snow removal and maintenance of the area. No parking signs must be installed and adequate provisions for drainage shall be included in the design to protect the asphalt surface.

As of this writing, the return receipts documenting the mailing of the required notices do not appear to have been returned. Staff will inform the Planning Commission at their August 26, 2004 meeting if the receipts have not been returned. To date, staff has not received any calls regarding the request.