

STAFF REPORT

June 21, 2007

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**No. 07SV031 - Variance to the Subdivision Regulations to waive requirement to install sidewalk, and to reduce the pavement width and right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 39**

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Steele's United Inc.
REQUEST	<b>No. 07SV031 - Variance to the Subdivision Regulations to waive requirement to install sidewalk, and to reduce the pavement width and right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 42 of Village on the Green No. 2 Subdivision, located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 42AR and 42BR of Village on the Green No. 2 Subdivision, located in the NW1/4 of the NE1/4, Section 13, T1S, R7E, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.409 acres
LOCATION	Adjacent to the north side 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	Community water and wastewater
DATE OF APPLICATION	5/24/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way be approved with the stipulation that a five foot access easement shall be provided along Mulligan Mile as it abuts the property; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalks

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along both sides of Mulligan Mile be approved with the stipulation that an eight foot wide asphalt walking trail shall be provided along the north side of the northern tier of lots located 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 width of Mulligan Mile from 47 feet to 40 feet. In addition, the applicant has submitted a Preliminary Plat (07PL071) to split a residential lot into two townhome lots.

On October 4, 2004, the City Council approved a Preliminary Plat (04PL107) to subdivide the subject property into 20 townhome lots. A Final Plat (05PL045) was subsequently approved administratively creating the townhome development. On September 7, 2004, the City Council approved a Variance to the Subdivision Regulations (04SV048) to waive the requirement to install a sidewalk along Mulligan Mile and to reduce the right-of-way width of Mulligan Mile from 47 feet to 40 feet.

On July 5, 2005, City Council approved a Preliminary Plat (05PL099) to reconfigure 20 townhome lots into ten residential lots. In addition, City Council approved a Variance to the Subdivision Regulations (05SV036) 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. However, since the property is being replatted, a subsequent Variance must be obtained.

On October 11, 2005, a Final Plat (05PL194) was approved creating ten residential lots.

The property is a part of the Hart Ranch Planned Unit Development in Pennington County and is currently void of structural development.

**STAFF REVIEW:**

Staff has reviewed the Preliminary Plat and has noted the following considerations:

**Street Width:** The proposed street section including the width of the pavement and the width of the "private drive" is consistent with the adjacent development to the 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. The associated Preliminary Plat identifies a note prohibiting on-street parking and a five foot wide access easement is shown. 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.

**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

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have been held over the years regarding the provision of sidewalks along residential streets. Sidewalks provide a safe and convenient location of 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 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 June 21, 2007 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.