

STAFF REPORT

April 10, 2008

No. 08SV012 - Variance to the Subdivision Regulations to waive the ITEM 30 requirement to install sidewalk along Carriage Hills Drive and Elysian Court and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive as per Chapter 16.16 of the Rapid City Municipal Code

GENERAL INFORMATION:

APPLICANT	Harley Taylor
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Harley Taylor
REQUEST	No. 08SV012 - Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Carriage Hills Drive and Elysian Court and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive as per Chapter 16.16 of the Rapid City Municipal Code

EXISTING
LEGAL DESCRIPTION

A parcel of land located in the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 21, T1N, R7E, BHM, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the N $\frac{1}{2}$ SW $\frac{1}{4}$, 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

STAFF REPORT

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with cap "FISK LS 1771"; thence, southwesterly along the northwesterly line of said Lot 11 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, Block 3 of Wildwood Subdivision, said point being coincident with the north corner of Lot 12, 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, 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, North, 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 2 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 9 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 Block 5 of Westview

STAFF REPORT

April 10, 2008

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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 1 of Block 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, 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

STAFF REPORT
April 10, 2008

No. 08SV012 - Variance to the Subdivision Regulations to waive the ITEM 30 requirement to install sidewalk along Carriage Hills Drive and Elysian Court and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive as per Chapter 16.16 of the Rapid City Municipal Code

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 thru 10 of Elysian Heights Subdivision and dedicated Right-of-way, located in the N1/2 SW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

PARCEL ACREAGE

Approximately 22.32 acres

LOCATION

Southern terminus of Carriage Hills

EXISTING ZONING

Low Density Residential District

SURROUNDING ZONING

North:

Low Density Residential District

South:

Suburban Residential District (Pennington County)

East:

Low Density Residential District

West:

Low Density Residential District

PUBLIC UTILITIES

City sewer and water

DATE OF APPLICATION

2/29/2008

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; 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 may be approved.

GENERAL COMMENTS:

(Update: March 27, 2008. All revisions to this report are shown in bold.) This item was continued at the March 27, 2008 Planning Commission meeting at the applicant's request.

STAFF REPORT
April 10, 2008

No. 08SV012 - Variance to the Subdivision Regulations to waive the ITEM 30 requirement to install sidewalk along Carriage Hills Drive and Elysian Court and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive as per Chapter 16.16 of the Rapid City Municipal Code

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sidewalk along Carriage Hills Drive and Elysian Court and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive as they abut the property. In addition, the applicant has submitted a Preliminary Plat (File #08PL026) to subdivide the property into ten residential lots.

On October 2, 2006, the City Council approved a Layout Plat (File #06PL141) to subdivide the subject property into eight lots. In addition, the City Council approved a Variance to the Subdivision Regulations (File #06SV054) 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. The City Council also approved an Exception to the Street Design Criteria Manual (File #06EX045) to allow 63 dwelling units with one point of access in lieu of 40 dwelling units.

On February 5, 2007, the City Council approved a Preliminary Plat (File #07PL171) to subdivide the property into eight residential lots. The applicant is now proposing to subdivide the property into ten residential lots.

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:

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

STAFF REPORT
April 10, 2008

No. 08SV012 - Variance to the Subdivision Regulations to waive the ITEM 30 requirement to install sidewalk along Carriage Hills Drive and Elysian Court and to reduce the pavement width from 40 feet to 27 feet along Carriage Hills Drive as per Chapter 16.16 of the Rapid City Municipal Code

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 been returned. Staff has received one call of inquiry regarding this proposal.