

STAFF REPORT

June 7, 2007

No. 07SV025 - Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along both sides of Montebello Court as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 30

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Signature Development
REQUEST	No. 07SV025 - Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along both sides of Montebello Court as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 14 thru 17 of Block 1 of the Villaggio at Golden Eagle Subdivision, located in the E1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.76 acres
LOCATION	At the northern terminus of Golden Eagle Drive
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	General Agriculture District
East:	Park Forest District (Planned Residential Development) - Office Commercial District (Planned Development Designation)
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/10/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along both sides of Montebello Court as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.

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GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install a sidewalk along both sides of Montebello Court as it abuts Lots 14 thru 17 of Block 1 of the Villaggio at Golden Eagle residential development.

The property is located at the northern terminus of Golden Eagle Drive. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed the Variance to the Subdivision Regulations and has noted the following considerations:

Sidewalk: As noted above, the applicant is proposing to waive the requirement to install sidewalks along the west side of Montebello Court as it abuts Lots 14 thru 17. The lots are double frontage lots with Villaggio Lane abutting the west lot line and Montebello Court abutting the east lot line. The previously approved Final Plat identifies a non-access easement along the west side of Montebello Court due to the severe terrain within this area of the property. As such, the identified lots will front onto Villaggio Lane and will take access from Villaggio Lane. In addition, the sidewalks being provided along Villaggio Lane will provide pedestrian access and a safe place for children to play. A sidewalk is also being provided along the east side of Montebello Court to provide pedestrian access along this street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of Montebello Court be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvement.

Legal Notification Requirement: The receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the June 7, 2007 Planning Commission meeting if this requirement is not met.