

STAFF REPORT
November 21, 2007

No. 07SV061 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement along a portion of Golden Eagle Drive as per Chapter 16.16 of the Rapid City Municipal Code

ITEM 29

GENERAL INFORMATION:

APPLICANT	Signature Development
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Arlene Ham
REQUEST	No. 07SV061 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement along a portion of Golden Eagle Drive as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lot 1 of Block 2 of the Villaggio at Golden Eagle, located in the E1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lot 1R of Block 2 of the Villaggio at Golden Eagle, 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 0.538 acres
LOCATION	Northwest of the intersection of Golden Eagle Drive and Villaggio Lane
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 - Office Commercial District
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water

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ITEM 29

DATE OF APPLICATION 10/25/2007

REVIEWED BY Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement along a portion of Golden Eagle Drive as per Chapter 16.16 of the Rapid City Municipal Code be approved.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and pavement along a portion of Golden Eagle Drive abutting the south lot line of Lot 1, Block 2 of the Villaggio at Golden Eagle.

On November 8, 2007, the Planning Commission approved a Preliminary Plat (#07PL139) of the property expanding the boundaries of four lots as a part of the "Villaggio at Golden Eagle" residential development. The City Council will consider the Preliminary Plat at their November 19, 2007 City Council meeting.

On November 15, 2007, the Planning Commission will consider a Major Amendment to the Residential Development Plan (#07PD087) to expand the boundaries of the previously approved Initial and Final Residential Development Plan as shown on the associated Preliminary Plat. The applicant has indicated that it is their intent to locate the residences further up the hill to the west with better views.

The property is located northwest of the intersection of Villaggio Lane and 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:

Golden Eagle Drive: Golden Eagle Drive is located along the south lot line of proposed Lot 1R, Block 2 and is classified as a sub-collector street requiring that it be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The plat document shows Golden Eagle Drive located within a 65.52 foot wide right-of-way. However, to date, this portion of Golden Eagle Drive has not been constructed.

In 2006, a Preliminary Plat and a Final Plat were approved creating 11 lots within the "Villaggio at Golden Eagle" residential development, which included the portion of this property abutting Golden Eagle Drive. A Variance to the Subdivision Regulations (#06SV022) was also granted by the City Council waiving the requirement to improve

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ITEM 29

Golden Eagle Drive as it abuts the south lot line of the property with the stipulation that the applicant sign a waiver of right to protest any future assessments for the improvements. The applicant has subsequently signed the waiver of right to protest document and the document has been recorded at the Register of Deed's Office.

As previously indicated, the associated Preliminary Plat proposes to expand the boundaries of four existing lots with no increase in density. In the past, the Planning Commission and the City Council have granted similar Variance requests when the associated plat did not result in any increase in density. As such, staff is recommending that the Variance to the Subdivision Regulations be approved. Since a waiver of right to protest document was signed and recorded as a part of the previous Variance request, it is not required as a stipulation of approval for this Variance request.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the November 21, 2007 Planning Commission meeting if this requirement has not been met.