

STAFF REPORT
August 5, 2010

No. 10SV015 - Variance to the Subdivision Regulations to waive the requirement to provide sidewalk, to reduce the pavement width from 90 feet to 69.5 feet and to reduce the right-of-way width from 110 feet to 100 feet along Double Eagle Court as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Randy Long
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Chad Hanna and Mieka Hanna
REQUEST	No. 10SV015 - Variance to the Subdivision Regulations to waive the requirement to provide sidewalk, to reduce the pavement width from 90 feet to 69.5 feet and to reduce the right-of-way width from 110 feet to 100 feet along Double Eagle Court as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	Lots 12R, 13R and 14R of Village on the Green No. 2 Subdivision, located in Section 12, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 12R1 and 14R1 of Village on the Green No. 2 Subdivision, located in Section 12, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 14130 and 14125 Double Eagle Court
LOCATION	14130 and 14125 Double Eagle Court
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 wastewater systems
DATE OF APPLICATION	7/8/2010
REVIEWED BY	Vicki L. Fisher / Ted Johnson

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to provide sidewalk, to reduce the pavement width from 90 feet to 69.5 feet and to reduce the right-of-way width from 110 feet to 100 feet along Double Eagle Court as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements;
2. Prior to City Council approval, the plat document shall be revised to include a note prohibiting on-street parking;
3. Prior to City Council approval, the plat document shall be revised to show a minimum 5 foot wide access easement along Double Eagle Court; and,
4. That an 8 foot wide asphalt walking trail continually be provided along the north side of the northern tier of lots located along the golf course.

GENERAL COMMENTS:

The applicants have submitted a Variance to the Subdivision Regulations to waive the requirement to provide sidewalk, to reduce the pavement width from 90 feet to 69.5 feet and to reduce the right-of-way width from 110 feet to 100 feet along Double Eagle Court. In addition, the applicants have submitted a Preliminary Plat (File #10PL051) to replat three lots into two lots.

The property is a part of the Hart Ranch Planned Unit Development in Pennington County. A single family residence is located on Lot 12R and on 14R. The center lot, Lot 13R, is currently void of any structural development. The applicants are proposing to replat the center lot into the two residential lots in order to increase the size of these lots.

STAFF REVIEW:

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

Double Eagle Court: Double Eagle Court is a cul-de-sac street and is classified as a lane place street requiring that it be located within a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb must be located within a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface. The property is located at the southern terminus of Double Eagle Court, adjacent to the cul-de-sac bulb. Currently, the cul-de-sac bulb is located within a 100 foot diameter right-of-way and constructed with a 69.5 foot diameter paved surface, curb, gutter, street light conduit, water and sewer.

The property was originally platted in Pennington County. In addition, the street has been

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constructed in compliance with the plans previously reviewed and approved by Pennington County. The Rapid City Fire Department and the Pennington County Fire Coordinator have indicated that the existing street provides adequate fire apparatus access. Based on consistency with the previously approved street section and to provide roadway continuity, staff recommends that the Variance to the Subdivision Regulations to waive the requirement to reduce the pavement width from 90 feet to 69.5 feet and to reduce the right-of-way width from 110 feet to 100 feet along Double Eagle Court be approved with the stipulation that prior to City Council approval, the applicants sign a waiver of right to protest any future assessment for the improvements.

Currently, sidewalks do not exist along Double Eagle Court. As noted, the developer is requesting that the requirement for sidewalks be waived and that an 8 foot wide asphalt walking trail provided along the north side of the northern tier of lots along the golf course serve as a pedestrian access for the neighborhood. 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 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 streets and 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 8 foot wide asphalt walking trail be provided as shown on the applicant's site plan and that a minimum 5 foot wide access easement be provided along the street to allow for the future construction of a sidewalk. Based on previous City Council approval of Variances to the sidewalk requirements within this development, staff recommends that the Variance to the Subdivision Regulations be approved with the requirement that an 8 foot wide asphalt walking trail continually be provided along the north side of the northern tier of lots located along the golf course and that prior to City Council approval, the plat document be revised to show a minimum 5 foot wide access easement along Double Eagle Court. In addition, prior to City Council approval, the applicants must 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 August 5, 2010 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquires regarding this proposal.