

STAFF REPORT

May 4, 2006

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**No. 06SV022 - Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 41**

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for Signature Development
REQUEST	<b>No. 06SV022 - Variance to reduce the right-of-way width from 49 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	A portion of the E1/2 NW1/4 SE1/4, Section 22, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1 thru 7 of Block 1; and Lots 1 thru 14 of Block 2 of the Villaggio at Golden Eagle, formerly a portion of the E1/2 NW1/4 SE1/4, Section 22, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.015 acres
LOCATION	North and east of the intersection of Catron Boulevard and Golden Eagle Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Agriculture District
East:	General Agriculture District - Park Forest District (Planned Development Designation)
West:	General Agriculture District
PUBLIC UTILITIES	City water, dry sewer and private on-site wastewater
DATE OF APPLICATION	4/7/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

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---

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RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to reduce the right-of-way width from 45 feet to 20 feet and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 20 foot wide access easement be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Golden Eagle Drive as it abuts the south lot line of Lot 1, Block 2 be denied;

That the Variance to the Subdivision Regulations to waive the requirement to install sewer along Catron Boulevard as it extends south from the subject property to Catron Boulevard be denied; and,

That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of Golden Eagle Drive as it extends south from the subject property to Catron Boulevard be approved with the following stipulation:

1. A sidewalk shall be provided along the east side of the street.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a 20 foot wide access easement and along Golden Eagle Drive as it abuts the south lot line of Lot 1, Block 2 and to install sewer and sidewalk along both sides of Golden Eagle Drive from the south lot line of the subject property to Catron Boulevard. In addition, the applicant has submitted a Preliminary Plat to subdivide the subject property into 21 residential lots. (See companion item #06PL050.)

On February 6, 2006, the City Council approved a Layout Plat to subdivide the subject property into 20 residential lots. In addition, the City Council denied a Variance to the Subdivision Regulations to waive the requirement to install dry sewer. The City Council also approved a Comprehensive Plan Amendment to the Major Street Plan to relocate a portion of Golden Eagle Drive, a collector street, approximately 200 feet east of its current location. In addition, the City Council approved a Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Area Future Land Use Plan to change the designation of the subject property from a Planned Residential Development with a maximum density of 1 dwelling unit per acre to a Planned Residential Development with a maximum density of 2 .5 dwelling units per acre.

The property is located approximately 500 feet north of Catron Boulevard along 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:

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---

**ITEM 41**

Access Easement: The Layout Plat identifies a 20 foot wide access easement located across the northern portion of proposed Lot 7. The easement will provide access to a residence located on an unplatted parcel directly west of the subject property. The access easement is classified as a lane place street requiring that the street be located in a minimum 45 foot right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to improve the access easement and to dedicate the additional right-of-way.

As noted above, a single family residence is currently located on the adjacent property served by the access easement. However, upon development of the adjacent 15.04 acre parcel, the access road will function as a lane place street in lieu of a driveway. As such, staff is recommending that the Variance to the Subdivision Regulations to reduce the right-of-way width from 49 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer be denied. (Please note that the Street Design Criteria Manual requires that the street be located in a minimum 45 foot right-of-way.)

Golden Eagle Drive: The Layout Plat also identifies Golden Eagle Drive located along the south lot line of proposed Lot 1, Block 2. The Street is classified as a lane place street requiring that it be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has requested a Variance to the Subdivision Regulations to waive the requirement to improve this section of Golden Eagle Drive.

Golden Eagle Drive serves as access to the same 15.04 acre adjacent parcel as noted above. With the extension of water and dry sewer into the area, it is anticipated that the neighborhood will continue to develop. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer be denied.

Sewer: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along Golden Eagle Drive as it extends south from the subject property to Catron Boulevard. In addition, the applicant has submitted a sewer plan showing a sewer stub out on Golden Eagle Court. However, the plans do not demonstrate any connection to existing and/or proposed City sewer lines, lift stations, etc. In addition, topographic constraints exist west of the subject property that may preclude a sewer connection to the subject property. It is anticipated that sewer will eventually extend from Catron Boulevard to serve the subject property. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to install sewer along this portion of Golden Eagle Drive between the subject property and Catron Boulevard be denied.

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Sidewalk: The applicant is proposing to construct a sidewalk along the east side of Golden Eagle Drive as it extends south to Catron Boulevard. This section of street is located adjacent to property owned by the Rapid City Police Officers Association. In addition, a police officers clubhouse has been constructed on the property. Providing a sidewalk along one side of the street will provide pedestrian access from the proposed development to Catron Boulevard. In addition, staff has noted that topographic constraints along portions of the street may make it difficult to provide a sidewalk on both sides of the street. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk on both sides of Golden Eagle Drive as it extends south of the subject property to Catron Boulevard be approved with the stipulation that a sidewalk be provided along the east side of the street.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned. Staff will notify the Planning Commission at the May 4, 2006 Planning Commission meeting if this requirement has not been met. Staff has not received any calls or inquires regarding this proposal.