

STAFF REPORT
December 18, 2008

No. 08SV049 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 66 foot wide private drive and utility easement; to reduce the width of the access easement from 45 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

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|----------------|--|
| APPLICANT | Roy Burr |
| AGENT | Doug Sperlich for Sperlich Consulting, Inc. |
| PROPERTY OWNER | Arlene Ham |
| REQUEST | No. 08SV049 - Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 66 foot wide private drive and utility easement; to reduce the width of the access easement from 45 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code |

EXISTING
LEGAL DESCRIPTION

A portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 22, located in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, common to Lot 6 of Block 2 of the Villaggio at Golden Eagle, each located in the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence, first course: S00°08'13"E, along the westerly boundary of Lot 5 of Block 2 of the Villaggio at Golden Eagle, a distance of 95.12 feet; Thence, second course: S61°38'29"W, along the westerly boundary of Lot 4R of Block 2 of the Villaggio at Golden Eagle, a distance of 200.00 feet; Thence, third course: S89°51'47"W, a distance of 174.00 feet; Thence, fourth course: N00°08'13"W, a distance of 592.45 feet; Thence, fifth course: S56°59'57"E, a distance of 314.65 feet; Thence, sixth course: N85°50'49"E, a distance of 87.08 feet; Thence, seventh course: S00°04'39"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 112.55 feet; Thence, eighth

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course: S00°08'13"E, along the westerly boundary of Lot 7 of Block 2 of the Villaggio at Golden Eagle, a distance of 19.96 feet; Thence, ninth course: S00°08'13"E, along the westerly boundary of Lot 6 of Block 2 of the Villaggio at Golden Eagle, a distance of 104.33 feet, to the northwest corner of Lot 5 of Block 2 the Villaggio at Golden Eagle, and the Point of Beginning

PROPOSED

LEGAL DESCRIPTION

Lot 8 of Block 2 of Villaggio at Golden Eagle, located in a portion of the W½ of the NW¼ of the SE¼, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

PARCEL ACREAGE

Approximately 3.715 acres

LOCATION

North of Catron Boulevard and west of Golden Eagle Drive

EXISTING ZONING

General Agriculture District

SURROUNDING ZONING

North:

Low Density Residential District

South:

General Agriculture District

East:

Low Density Residential District (Planned Residential Development)

West:

Low Density Residential District - General Agriculture District

PUBLIC UTILITIES

Private on-site wastewater and City water

DATE OF APPLICATION

9/12/2008

REVIEWED BY

Vicki Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 66 foot wide private drive and utility easement; to reduce the width of the access easement from 45 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code be **denied without prejudice at the applicant's request.**

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GENERAL COMMENTS:

(Update, December 5, 2008. All revised and/or added text is shown in bold print.) On November 24, 2008, the applicant submitted a revised plat document showing proposed Lot 8 as a flagpole lot abutting Villaggio Lane for a distance of 25 feet. As a result of creating the flagpole configuration, the applicant has indicated that the access easement will be vacated. Subsequently, the applicant has requested that the Variance to the Subdivision Regulations be denied without prejudice.

(Update, November 7, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. To date, all of the outstanding issues have not been resolved. Staff is recommending that this item be continued to the December 4, 2008 Planning Commission to be heard in conjunction with the associated Preliminary Plat.

(Update, October 24, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 23, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, all of the required information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the November 20, 2008 Planning Commission meeting to allow the applicant to submit the additional information.

(Update, October 10, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 9, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. Staff will notify the Planning Commission at the October 23, 2008 Planning Commission meeting if the stipulations of approval have been met.

The applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the 66 foot wide private drive and utility easement; to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along a 20 foot wide access easement and to reduce the width of the access easement from 45 feet to 20 feet.

On July 25, 2008, the applicant submitted a Preliminary Plat (File #08PL113) to subdivide the property creating a 3.17 acre lot, leaving an unplatted non-transferable 10.415 acre balance. The Preliminary Plat will be considered at the October 23, 2008 Planning Commission meeting.

The property is located north of Catron Boulevard and west of Golden Eagle Drive and Villaggio Lane. Currently, a single family residence and two sheds are located on the

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property.

STAFF REVIEW:

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

Master Plan: As previously indicated, the applicant is proposing to create a 3.17 acre lot to be known as Lot 8, leaving an unplatted non-transferable 10.415 acre balance. The applicant has submitted a Master Plan showing the future subdivision of the 10.415 acres into two lots to be known as Lots 9 and 10. The Master Plan also shows a shared approach along Catron Boulevard to serve as access to Lots 9 and 10. However, Catron Boulevard is classified as a principal arterial street on the City's Major Street Plan. As such, an alternate access must be provided to the two lots from a lesser order street as per the Street Design Criteria Manual. Golden Eagle Drive, which is currently platted to the east lot line of Lot 9, could serve as access to Lot 9. In addition, the 66 foot wide private access and utility easement that currently abuts the north lot line of Lot 8 could be extended through Lot 8 to serve as access to Lot 10. The applicant also has the option of reconfiguring Lots 8 and 10 to allow direct access to Lot 10 from the private drive and utility easement. This would eliminate the need to improve the easement as a part of the Preliminary Plat for Lot 8. If the applicant chooses to leave the Preliminary Plat as currently presented, staff can not support the Variance to the Subdivision Regulations to waive the requirement to improve the private drive and utility easement. In addition, the Preliminary Plat must be revised to show the extension of the private drive and utility easement through Lot 8 to serve as access to Lot 10 and the easement must be constructed to City street design standards.

Staff is recommending that this request be continued to allow the applicant to submit a revised Master Plan addressing the access issues as identified.

The applicant has submitted a Master Plan showing access to future Lot 9 from Golden Eagle Drive and access to future Lot 10 from a 66 foot wide private drive and utility easement. Staff is recommending that prior to Preliminary Plat approval by the City Council, the Master Plan be revised to eliminate the "future shared ingress egress easement" along Catron Boulevard.

Water: The applicant has indicated that a City water service line will be extended from Villaggio Lane across existing Lot 7 within a proposed 25 foot wide access and private utility easement to serve proposed Lot 8. However, the access and private utility easement must be dedicated as public right-of-way or an Exception must be obtained to allow a water service line to cross another lot.

Staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to extend water be continued to allow the applicant to revise the plat as

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identified or to obtain an Exception to allow a water service line to cross another lot.

The applicant has submitted an Exception request to allow water service lines to cross another lot. Staff has subsequently denied the Exception request. The applicant has the option to appeal staff's decision to the City Council for review and approval or construction plans must be submitted for review and approval showing the extension of City a water main to the proposed lot. As of this writing, an appeal has not been submitted for review and approval nor have revised construction plans been submitted.

(Update: November 14, 2008) The applicant has appealed staff's denial of the Exception request. The appeal will be considered at the Public Works Committee meeting on December 9, 2008.

Sewer: Currently, an on-site wastewater system consisting of a septic tank and drainfield serves the existing residence located on Lot 8. A City sewer main is currently located in Villaggio Lane. The applicant has submitted a Variance to the Subdivision Regulations request to waive the requirement to extend the City sewer system to serve the proposed lot. However, the Rapid City Municipal Code states that any property located within 500 feet of the Rapid City sewer system must hook up to that system. The proposed lot is located approximately 150 feet from the sewer main. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirement to extend sewer be denied. In addition, a sewer main must be extended to serve the property in lieu of a sewer line or an Exception must be obtained to allow a sewer service line to cross another lot. The applicant also has the option of revising the plat to show Lot 8 as a flagpole lot abutting Villaggio Lane which would allow a sewer service line to be extended from the sewer main in Villaggio Lane to serve the residence.

The applicant has submitted an Exception request to allow sewer service lines to cross another lot. Staff has subsequently denied the Exception request. The applicant has the option to appeal staff's decision to the City Council for review and approval or construction plans must be submitted for review and approval showing the extension of City a sewer main to the proposed lot. As of this writing, an appeal has not been submitted for review and approval nor have revised construction plans been submitted.

(Update: November 14, 2008) The applicant has appealed staff's denial of the Exception request. The appeal will be considered at the Public Works Committee meeting on December 9, 2008.

Legal Notification Requirement: The receipts from the certified mailings have been returned. Staff has received one call of inquiry regarding this item.