

STAFF REPORT  
December 4, 2008

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**No. 08PD051 - Planned Residential Development - Initial and Final Development Plan**      **ITEM 11**

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GENERAL INFORMATION:

APPLICANT	Roy Burr
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Arlene Ham
REQUEST	<b>No. 08PD051 - Planned Residential Development - Initial and Final Development Plan</b>
EXISTING LEGAL DESCRIPTION	<p>A portion of the W<math>\frac{1}{2}</math> of the NW<math>\frac{1}{4}</math> of the SE<math>\frac{1}{4}</math>, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 7 of Block 2 of The Villaggio at Golden Eagle, common to a point on the southerly boundary of Lot 1R of Tract B of Springbrook Acres, intersecting a 1/64 section line of said Section 22, and the Point of Beginning; Thence, first course: S00°04'39"E, along the westerly boundary of said Lot 7 of Block 2, common to a 1/64 section line of said Section 22, a distance of 112.55 feet, to an interior 1/64 section corner of Section 22, common to an angle point on the westerly boundary of said Lot 7 of Block 2; Thence, second course: S00°08'13"E, along the westerly boundary of said Lot 7 of Block 2, common to a 1/64 section line of said Section 22, a distance of 19.96 feet, to the southwestly corner of said Lot 7 of Block 2, common to the northwesterly corner of Lot 6 of Block 2 of The Villaggio at Golden Eagle; Thence, third course: S00°08'13"E, along the westerly boundary of said Lot 6 of Block 2, common to a 1/64 section line of said Section 22, a distance of 104.33 feet, to the southwestly corner of said Lot 6 of Block 2, common to the northwesterly corner of Lot 5 of Block 2 of The Villaggio at Golden Eagle; Thence, fourth course: S00°08'13"E, along the westerly boundary of said Lot 5 of Block 2, common to a 1/64 section line of said Section 22, a distance of 95.12 feet, to the southwestly corner of said Lot 5 of Block 2, common to an angle point on the northerly boundary of Lot 4R of Block 2 of The Villaggio at Golden Eagle; Thence, fifth course: S61°38'29"W, along the northwesterly boundary of said Lot 4R of Block 2, a distance of 200.00 feet, to the southwestly corner of said Lot 4R of Block 2, common to the northwesterly</p>

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corner of Lot 3R of Block 2 of The Villaggio at Golden Eagle; Thence, sixth course: S26°45'22"E, along the westerly boundary of said Lot 3R of Block 2, a distance of 106.66 feet, to the southwesterly corner of said Lot 3R of Block 2, common to the northwesterly corner of Lot 2R of Block 2 of The Villaggio at Golden Eagle; Thence, seventh course: S26°45'22"E, along the westerly boundary of said Lot 2R of Block 2, a distance of 34.44 feet to a point on the westerly boundary of said Lot 2R of Block 2; Thence, eighth course: S89°51'47"W, a distance of 237.22 feet; Thence, ninth course: N00°08'13"W, a distance of 441.23 feet, to a point on a 1/64 section line of said Section 22; Thence, tenth course: N50°09'55"E, a distance of 243.07 feet, to a point on the southerly boundary of Lot 1R of Tract B of Springbrook Acres; Thence, eleventh course: S56°59'57"E, along the southerly boundary of said Lot 1R of Tract B of Springbrook Acres, a distance of 91.30 feet, to an angle point on the southerly boundary of said Lot 1R of Tract B of Springbrook Acres; Thence, twelfth course: N85°50'49"E, along the southerly boundary of said Lot 1R of Tract B of Springbrook Acres, a distance of 87.08 feet, to the northwesterly corner of Lot 7 of Block 2 of The Villaggio at Golden Eagle, common to a point on the southerly boundary of said Lot 1R of Tract B of Springbrook Acres, intersecting a 1/64 section line of said Section 22, 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)

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West:	Low Density Residential District - General Agriculture District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	9/12/2008
REVIEWED BY	Jared Ball / Ted Johnson

RECOMMENDATION:

Staff recommends that the Planned Residential Development - Initial and Final Development Plan be **denied without prejudice**.

GENERAL COMMENTS:

**(Update, November 24, 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 reconfiguring the lot as identified, the applicant has indicated that a new Initial and Final Residential Development Plan will be submitted for review and approval with a revised legal description. As such, the applicant has requested that this application be denied without prejudice.**

**Staff recommends that the Initial and Final Residential Development Plan be denied without prejudice at the applicant's request.**

(Update: October 27, 2008. All revised and/or added text is shown in bold.) This item was continued at the October 23, 2008 Planning Commission meeting to allow the applicant to revise the legal description and to be heard in conjunction with the associated Preliminary Plat.

On October 10, 2008, staff met with the applicant to discuss revising the associated Preliminary Plat (#08PL113). As a result of that meeting, the Preliminary Plat boundaries have been revised to address access and utility issues. The applicant has subsequently submitted a revised metes and bounds description for this Planned Residential Development- Initial and Final Development application and the associated Rezone application which reflects the revised boundary of the preliminary plat. The applicant is required to send out new letters reflecting the revised legal description.

(Update: October 27, 2008) The applicant has met the legal notification requirements which include the revised legal description.

The property is located at 5617 Villaggio Lane, and is north of Catron Boulevard and west of Golden Eagle Drive. The property is currently zoned General Agricultural District. The property to the north is currently zoned Low Density Residential District. The property to the south is currently zoned General Agricultural District. The property to the east is currently zoned Low Density Residential District with a Planned Residential Development. The

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properties to the west are currently zoned Low Density Residential District and General Agricultural District. The applicant has submitted an application for a Planned Residential Development – Initial and Final Development Plan for a single family residence. The Planned Commercial Development- Initial and Fianal Development Plan identifies an existing single family residence and two sheds located on the property.

An associated Rezoning request (#08RZ034) has been submitted in conjunction with this request.

On July 25, 2008 the applicant submitted a Preliminary Plat for the property to create a 3.17 acre lot leaving an unplatted non-transferable 10.415 acre balance. One of the stipulations of approval required that the applicant obtain approval of for a Planned Residential Development and that the property be rezoned from General Agricultural District to Low Density Residential District.

STAFF REVIEW: Staff has reviewed the Initial and Final Residential Development Plan and has noted the following considerations:

Future Land Use Plan: The U.S. Highway 16 Future Land Use Plan identifies the property as appropriate for a Planned Residential Development with one dwelling unit per acre. The proposed three acres lot size is in compliance with the adopted Future Land Use Plan for the area.

Existing Structures: The applicant has submitted photographs of the existing single family residence located on the property. The photographs identify a single family residence that is tan in color. The existing elevations appear to be appropriate for the site. Staff recommends that the existing single family residence and two storage sheds located on the property shall continue to conform architecturally to the plans, elevations and color palette submitted as part of this Planned Residential Development. Any changes to the existing structures or addition of new structures will require a Major Amendment to the Planned Residential Development.

Fire Code: All provisions of the currently adopted International Fire Code are, being met on the property. Staff recommends that the currently adopted International Fire code be continually met.

Low Density Residential District: Staff noted that the existing residence on the property is in compliance with the regulations for the Low Density Residential District. Staff recommends that all Provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Initial and Final Planned Residential Development or a subsequent Major Amendment.

Building Permit: A Building Permit must be obtained prior to any future construction and a Certificate of Occupancy must be obtained prior to occupancy.

Parking: Section 17.50. 270. D. of the Rapid City Municipal Code requires that single family

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residential structures provide two parking spaces per dwelling unit. The applicant is currently meeting this requirement. A paved driveway from Villaggio Lane extends around the front of the house and provides the required off-street parking.

Water: The applicant is proposing to extend a water service line from Villaggio Lane, across an adjacent lot, to serve this property. However, locating a water service line across an adjacent property requires an Exception to the design standards. Subsequently, the applicant has submitted an Exception request and staff has denied the request. To date, the applicant has not appealed the decision to the City Council nor have revised construction plans been submitted for review and approval which meet the design standards. As such, staff is recommending that the Initial and Final Planned Residential Development be continued to the November 20, 2008 Planning Commission meeting to allow the applicant to address the water issue.

Wastewater: The existing residence is currently served by a private on-site wastewater system. Chapter 16.16.050 of the Rapid City Municipal Code states that any subdivision located within 500 feet of the Rapid City sewer system or any central sewer system shall be required to hook up to that system. Currently, City sewer is located along Villaggio Lane, approximately 130 feet east of the proposed lot. Platting the property as shown on the associated Preliminary Plat triggers the requirement to extend a City sewer main to serve the residence. To date, the applicant has not submitted construction plans showing the extension of a sewer main to the property nor has the associated Variance to the Subdivision Regulations been acted on by the City Council to waive the requirement.

Notification:

The required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received one call of inquiry regarding this proposal.

**Staff recommends that the Initial and Final Residential Development Plan be denied without prejudice at the applicant's request.**