

STAFF REPORT  
December 4, 2008

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**No. 08PL113 - Preliminary Plat**

**ITEM 12**

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GENERAL INFORMATION:

APPLICANT	Roy Burr
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Arlene Hamm
REQUEST	<b>No. 08PL113 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	<b>Lot 7 of Block 2 of the Villaggio at Golden Eagle and a portion of the W1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota</b>
PROPOSED LEGAL DESCRIPTION	<b>Lot 7R and Lot 8 of Block 2 of the Villaggio at Golden Eagle, located in the W1/2 of the NW1/4 of the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota</b>
PARCEL ACREAGE	Approximately 3.715 acres
LOCATION	5617 Villaggio Lane
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	7/25/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Preliminary Plat be **approved with the following stipulations:**

- 1. Prior to City Council approval of the Preliminary Plat, the plat document shall be revised to show the vacation of the existing 20 foot wide access easement on proposed Lot 8 or construction plans shall be submitted for review and approval**

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- showing the access easement located within a 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
2. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required or site grading is proposed;
  3. Prior to Preliminary Plat approval by the City Council, a cost estimate of any required subdivision improvements shall be submitted for review and approval;
  4. Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Low Density Residential District with a Planned Development Designation or a Variance from the Zoning Board of Adjustment shall be obtained to reduce the minimum lot size for a dwelling on a lot in the General Agriculture District from 20 acres to 3.715 acres;
  5. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid;
  6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
  7. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

GENERAL COMMENTS:

(Update, November 24, 2008. All revised and/or added text is shown in bold print.) This item was continued at the November 20, 2008 Planning Commission meeting to allow the applicant to address the outstanding issues.

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 plat document has been revised to include Lot 7 of Villaggio at Golden Eagle. Subsequently, the applicant has withdrawn the Variance to waive the requirement that proposed Lot 8 abut a public street a minimum distance of 25 feet. In addition, since proposed Lot 8 is being reconfigured to create a flagpole along the existing driveway and the proposed utility corridor, the applicant has withdrawn the Exception request to allow a water service line to cross another lot and has withdrawn the Variance to the Subdivision Regulations 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.

(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. As such, staff is recommending that this item

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be continued to the December 4, 2008 Planning Commission.

(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 September 25, 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. As such, staff is recommending that the Preliminary Plat be continued to the November 6, 2008 Planning Commission meeting to allow the applicant to submit the additional information.

(Update, September 12, 2008. All revised and/or added text is shown in bold print.) This item was continued at the September 4, 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 September 25, 2008 Planning Commission meeting if the stipulations of approval have been met.

(Update, August 22, 2008. All revised and/or added text is shown in bold print.) This item was continued at the August 21, 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 September 4, 2008 Planning Commission meeting if the stipulations of approval have been met.

The applicant has submitted a Preliminary Plat to create a 3.17 acre lot, leaving an unplatted non-transferable 10.415 acre balance.

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

**STAFF REVIEW:**

Staff has reviewed the Preliminary Plat and has noted the following considerations:

**Zoning:** The property is currently zoned General Agriculture District. Chapter 17.34.040.F.1 of the Rapid City Municipal Code states that for each dwelling and buildings accessory thereto, there shall be a lot area of not less than 20 acres in the General Commercial District. As noted above, the proposed Preliminary Plat will create a 3.17 acre lot. In addition, a single family residence and two accessory structures are located on the property.

The City's adopted Future Land Use Plan identifies the appropriate use for the property as a Planned Residential Development with a maximum density of one dwelling unit per acre. As such, staff is recommending that prior to submittal of a Final Plat application, the property be

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rezoned from General Agriculture District to Low Density Residential District with a Planned Development Designation or a Variance from the Zoning Board of Adjustment must be obtained to reduce the minimum lot size for a dwelling on a lot in the General Agriculture District from 20 acres to 3.715 acres.

Area Regulations: Chapter 17.10.050.E of the Rapid City Municipal Code states that a lot shall abut on a public street for a distance of not less than 25 feet. The proposed lot abuts a 20 foot wide private access easement and a 66 foot wide private drive and utility easement. As such, staff is recommending that prior to Preliminary Plat approval by the Planning Commission, the plat document be revised to comply with the requirement that the proposed lot abut on a public street for a distance of not less than 25 feet or a Variance waiving this requirement must be obtained from the Zoning Board of Adjustment.

(Update: October 24, 2008) As of this writing, the plat document has not been revised to comply with the requirement that the proposed lot abut on a public street for a distance of not less than 25 feet nor has a Variance request been submitted to waive the requirement.

(Update: November 21, 2008) The applicant has submitted a Variance request to waive the requirement that a lot abut a public street for a distance of not less than 25 feet. The Zoning Board of Adjustment will consider the request at their December 2, 2008 meeting.

**(Update: November 24, 2008) As previously indicated, the applicant submitted a revised plat document showing proposed Lot 8 as a flagpole lot abutting Villaggio Lane a distance of 25 feet. Subsequently, the applicant has withdrawn the Variance to waive the requirement that proposed Lot 8 abut a public street a minimum distance of 25 feet.**

Master Plan: As previously indicated, the applicant is proposing to create a 3.17 acre lot, leaving an unplatted non-transferable 10.415 acre balance. A Master Plan for the entire parcel must be submitted for review and approval to ensure that access and utility corridors are being provided to the unplatted balance and the adjacent properties. As such, staff is recommending that prior to Planning Commission approval of the Preliminary Plat, a Master Plan be submitted for review and approval. In addition, the plat document must be revised to provide access and utility corridors through the proposed lot if and as needed.

(Update: October 24, 2008) 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.

Utilities: The applicant has indicated that City water has been extended from Villaggio Lane to serve the property. In addition, the applicant has indicated that a private on-site wastewater system currently serves the property. To date, the applicant has not submitted any information demonstrating the location or design of either utility. As such, staff is recommending that prior to Planning Commission approval of the Preliminary Plat, a Master Utility Plan be submitted for review and approval showing all existing private and public utilities. In addition, the plat document must be revised to provide utility easements as

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needed.

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. As such, staff is recommending that prior to Preliminary Plat approval by the Planning Commission, construction plans be submitted for review and approval showing the extension of City sewer from Villaggio Lane to the proposed lot or a Variance to the Subdivision Regulations must be obtained.

(Update: November 21, 2008) The applicant has submitted a Master Utility Plan showing all existing private and public utilities. In addition, the applicant has submitted an Exception request to allow a water service line to cross another lot. The request will be considered at the December 9, 2008 Public Works Committee meeting and the December 15, 2008 City Council meeting. As such, staff is recommending that this item be continued to the December 18, 2008 Planning Commission meeting to allow the Public Works Committee and the City Council to act on the request and to allow the applicant to revise the plat document if needed.

**(Update: November 24, 2008) As previously indicated, the applicant submitted a revised plat document showing proposed Lot 8 as a flagpole lot abutting Villaggio Lane a distance of 25 feet. As a result of creating the flagpole configuration, the utilities will no longer cross another lot. As such, the applicant has withdrawn the Exception request to allow a water service line to cross another lot.**

66 foot wide Private Drive and Utility Easement: A 66 foot wide private drive and utility easement abuts the property along the north lot line. The easement is classified as a lane place street requiring that it be constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the easement is unimproved. As such, staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval. In particular, the construction plans must show the easement constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

(Update: October 24, 2008) The applicant has submitted a revised Preliminary Plat document reconfiguring the lot. In particular, the reconfigured lot no longer abuts the 66 foot wide private drive and utility easement. As such, it is no longer a requirement to improve the easement as a part of this plat.

20 foot wide Private Access Easement: A 20 foot wide private access easement extends west from Villaggio Lane across the northern portion of an adjacent lot to provide access to the applicant's property. The easement is classified as a lane place street requiring that it be constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, the easement is constructed with an approximate 15 foot wide paved surface. Staff is recommending that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval. In particular, the construction plans must show the easement constructed with a minimum width of 45 feet

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and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

**(Update: November 24, 2008) The plat document has been revised to show proposed Lot 8 as a flagpole lot abutting Villaggio Lane and incorporating the previously recorded access easement into the lot. As such, staff is recommending that prior to City Council approval of the Preliminary Plat, the plat document be revised to show the vacation of the existing 20 foot wide access easement on proposed Lot 8 or construction plans must be submitted for review and approval showing the access easement located within a 45 foot wide easement and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.**

Stormwater Management Plan: The City Council has recently adopted a Stormwater Quality Manual which provides criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff is recommending that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if any subdivision improvements are required.

Inspection Fees and Surety: Chapter 16.20.080 of the Rapid City Municipal Code states that before any Final Plat is approved, an additional fee shall be paid to the City to cover the costs of inspection of the subdivision improvements required by the Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be posted. As such, staff is recommending that upon submittal of a Final Plat application, surety be posted and subdivision inspection fees be paid as required.

Warranty Surety:

On June 19, 2006, the City Council adopted a resolution establishing a formal warranty process for subdivision improvements. In particular, the resolution requires that the developer provide an acceptable Warranty Surety for the required public improvements. In particular, the Warranty Surety must be in force for a period of two years after the required final inspection and the City has accepted the improvements. As such, staff is recommending that prior to the City's acceptance of any public improvements, a Warranty Surety be submitted for review and approval if subdivision improvements are required.

**The proposed plat generally complies with all applicable Zoning and Subdivision Regulations assuming compliance with the stated stipulations.**