

STAFF REPORT  
January 22, 2009

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**No. 08PD067 - Planned Unit Development - Initial Development Plan**

**ITEM 53**

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GENERAL INFORMATION:

APPLICANT	Hidden Valley, Inc.
AGENT	Lawrence M. Kostaneski for Centerline, Inc.
PROPERTY OWNER	Phil Olsen
REQUEST	<b>No. 08PD067 - Planned Unit Development - Initial Development Plan</b>

EXISTING  
LEGAL DESCRIPTION

A portion of the south 495' of NE $\frac{1}{4}$  SE $\frac{1}{4}$  Less Lot 1 and the unplatted portion of SE $\frac{1}{4}$  SE $\frac{1}{4}$ , all located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at the southeast corner of said Section 22, from which bears a found pin and cap stamped "RLS 5085" N01°56'49"E a distance of 32.99'; Thence N01°56'49"E a distance of 711.18' to a set pin and cap stamped "RLS 3977", said pin and cap being the true point of beginning of the herein described tract; Thence N88°02'57"W a distance of 29.50'; Thence S01°56'47"W a distance of 43.54' to a set pin and cap stamped "RLS 3977"; Thence with a non-tangent curve turning to the left with an arc length of 194.72', with a radius of 374.00', with a chord bearing of N78°03'35"W, with a chord length of 192.53' to a set pin and cap stamped "RLS 3977"; Thence S09°55'19"E a distance of 160.76' to a set pin and cap stamped "RLS 3977"; Thence S05°14'17"E a distance of 75.47' to a set pin and cap stamped "RLS 3977"; Thence S01°56'49"W a distance of 173.20' to a set pin and cap stamped "RLS 3977"; Thence S11°58'16"W a distance of 57.32' to a set pin and cap stamped "RLS 3977"; Thence S52°40'09"W a distance of 128.28' to a set pin and cap stamped "RLS 3977"; Thence N86°10'53"W a distance of 116.09' to a set pin and cap stamped "RLS 3977"; Thence N44°04'05"W a distance of 148.02' to a set pin and cap stamped "RLS 3977"; Thence N03°00'15"W a distance of 111.32' to a set pin and cap stamped "RLS 3977"; Thence N24°08'13"E a distance of 129.58' to a set pin and cap stamped "RLS 3977"; Thence N15°30'32"W a distance of 585.28' to a set pin and cap stamped "RLS 3977"; Thence N01°10'22"E a distance of 71.09' to a set pin and cap stamped "RLS 3977"; Thence S88°17'45"E a distance of 113.49' to a set pin and cap stamped "RLS 1019"; Thence N01°41'33"E a distance of 229.41' to a

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set pin and cap stamped "RLS 1019"; Thence N00°01'23"W a distance of 456.86' to a set pin and cap stamped "RLS 3977"; Thence S87°59'57"E a distance of 249.91' to a set pin and cap stamped "RLS 6565"; Thence S87°59'10"E a distance of 299.23' to a set pin and cap stamped "RLS 1019"; Thence S02°00'20"W a distance of 295.30' to a set pin and cap stamped "RLS 1019"; Thence S01°56'47"W a distance of 804.30' to a set pin and cap stamped "RLS 3977" to the point of beginning

PARCEL ACREAGE	Approximately 18.05 acres
LOCATION	Northwest of Promise Road and Golden Eagle Road
EXISTING ZONING	Office Commercial District (Planned Development Designation)
SURROUNDING ZONING	
North:	Park Forest District (Planned Residential Development) - Medium Density Residential District (Planned Residential Development)
South:	Office Commercial District (Planned Commercial Development)
East:	Public District - Office Commercial District (Planned Commercial Development)
West:	Office Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/23/2008
REVIEWED BY	Vicki L. Fisher / Karley Halsted

**RECOMMENDATION:**

Staff recommends that the Planned Unit Development - Initial Development Plan be approved with the following stipulations:

1. Prior to issuance of a building permit, a Final Planned Unit Development application shall be reviewed and approved for the proposed use(s);
2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy;
3. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial Final Planned Unit Development. Additional and/or revised elevations may be submitted for review and approval as a part of a Final Planned Unit Development application;
4. Upon submittal of a Final Planned Unit Development application, a complete sign

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- package, including any entryway signage identifying the development, shall be submitted for review and approval;
5. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, a complete geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures;
  6. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall show the design of drainage swales, ditches and storm sewers sized in compliance with the Arrowhead Drainage Basin Design Plan and the Drainage Criteria Manual. In particular, the drainage plan shall include calculations demonstrating that developed flows from the site do not exceed pre-developed flows or on-site detention shall be provided. In addition, the drainage plan shall include post construction water quality treatment devices or structures in accordance with Chapter 8.48.020 of the Rapid City Municipal Code. Drainage easements shall also be provided as needed;
  7. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval. In particular, the utility master plan shall provide sewer and water service to the adjacent properties as well as looped system(s) as needed;
  8. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the City Council shall approve documents granting a public utility easement across Lot 2, Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota or an alternate sewer alignment shall be submitted for review and approval. In addition, a minimum 20 foot wide utility easement(s) shall be provided for the sewer main to be extended between Lots 4B and 5A of Block 1;
  9. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall show the extension of water mains in compliance with the adopted "Planning Report for Skyline, Terracita, Southwest, Carriage Hills and future Southwest Rapid City water service zoned" prepared by CETEC Engineering Inc. In addition, the plans shall demonstrate that adequate fire and domestic flows are being provided. Utility easements shall also be provided as needed;
  10. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for Promise Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
  11. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for Call Ranch Road shall be submitted for review

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- and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained;
12. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for North Bendert Lane shall be submitted for review and approval. In particular the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
  13. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for South Bendert Lane shall be submitted for review and approval. In particular the road construction plans shall show the street 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 or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained;
  14. Prior to submittal of a Final Planned Unit Development application or a Preliminary Plat application, an Exception shall be obtained to allow 49 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual or a second point of access shall be provided as required;
  15. Prior to submittal of a Final Planned Unit Development application or a Preliminary Plat application, an Exception shall be obtained to allow a 880 foot long cul-de-sac street with no intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the intermediate turnaround shall be provided as required;
  16. Prior to submittal of a Final Planned Unit Development application or a Preliminary Plat application, an Exception shall be obtained to allow curb side sidewalks with roll curb along Bendert Lane or property line sidewalks with standard curb and gutter shall be provided as required;
  17. Prior to approval of a Final Planned Unit Development application or a Preliminary Plat application for Phase Two, the 40 foot wide access easement extending from Promise Road to Lot 1, Bendert Subdivision shall be vacated and an alternate access shall be provided. In addition, the applicant shall demonstrate that access is being maintained to Lot 1, Bendert Subdivision during the construction phase of this project;
  18. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence. In addition, a minimum 25 foot setback shall be provided along the side yard abutting a street. A side yard setback along interior side lot lines of eight feet for a one story structure and twelve feet for a two story structure shall be provided. A zero side yard setback shall be required along the common wall of the townhome units. In addition, the rear yard setback shall be reduced from 25 feet to 22 feet on Lots 4A thru 10B, Block 1 and Lots 8A thru 11B, Block 2 to allow for the construction of a porch with a roof but no walls or other enclosures contingent upon a landscaping buffer or screening fence being

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- provided along the rear lot line. The balance of the lots shall provide a minimum 25 foot rear yard setback. A minimum 58 foot setback shall be provided from all section line highway(s);
19. The currently adopted International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, prior to issuance of a building permit, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus;
  20. An Air Quality Permit shall be obtained prior to any surface disturbance of one acre or more;
  21. All provisions of the underlying Office Commercial District shall be met unless otherwise specifically authorized as a stipulation of the Final Planned Unit Development or a subsequent Major Amendment;
  22. The Planned Unit Development shall allow for the construction of 46 townhome units and two single family residences. Any change in the proposed uses shall be specifically authorized as a stipulation of the Final Planned Unit Development application or a subsequent Major Amendment to the Planned Unit Development; and,
  23. The Planned Unit Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. A time extension may be granted if identified and requested as a part of a phasing schedule submitted with the Final Development Plan application; or upon written request to the Growth Management Director, and prior to the Final Development Plan approval expiration date, a one year extension for Final Development Plan approval may be granted.

**GENERAL COMMENTS:**

The applicant has also submitted an Initial Planned Unit Development to allow the construction of 46 townhome units and two single family residences as a part of Phase One and all of Phase Two of Skyline Village. In addition, the applicant has submitted a Variance to the Subdivision Regulations to waive the requirement to install sewer along a portion of Vineyard Lane, to waive the requirement to install sidewalk along the north side of Vineyard Lane, to waive the requirement to dedicate the section line highway(s) as right-of-way, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway(s) as they abut portions of the east lot line and the south lot line, respectively. In addition, the applicant has submitted a SDCL 11-6-19 Review (File #08SR001) to authorize the acquisition of a public utility easement for the future construction of a sewer main across the adjacent City owned property to serve the development.

On November 6, 2006, the City Council approved a Layout Plat (File #06PL160) for the Skyline Village development to create 67 townhome lots and six larger lots. On October 6, 2008, the City Council approved a one year extension of approval for the Layout Plat.

The property is located northwest of Promise Road and Golden Eagle Road. Currently, the property is void of any structural development.

**STAFF REVIEW:** Staff has reviewed the Initial Planned Unit Development and has noted the

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following considerations:

Master Plan: The applicant has submitted a Master Plan for Skyline Village showing the project being constructed in three phases as follows:

Phase One: 22 townhome units  
3.04 acres office commercial development  
12.34 acres assisted/independent senior living campus

Phase Two: 24 townhome units  
2 single family residences  
The abandonment and reconstruction of an alternate access to Lot 1, Bendert Subdivision

Phase Three: Additional townhome units to be located in the northwest corner of the development (Number to be determined.)  
Open Space

Please note that the phasing for this project and this Initial Planned Unit Development do not match. In particular, this Initial Planned Unit Development includes the townhomes in Phase One and all of Phase Two. The applicant should be aware that an Initial and Final Planned Unit Development must be reviewed and approved prior to the issuance of a building permit for any portion of the project.

Design Features: The applicant has indicated that the townhomes will be one story bungalow style structures or ranch style homes with a walk out basement. The townhomes will have attached garages and a peaked roof. The applicant has submitted elevations demonstrating different design(s) of the proposed structures. The applicant has also indicated that the residences will be constructed with wood, brick, stone, stucco, glass, asphalt shingles and other miscellaneous materials typically used in the construction of a stick built home. The applicant has also indicated that the structures will be primarily shades of brown, blue and green or other earth tone colors. The applicant has also indicated that the two proposed single family residences will be constructed with similar design, materials and colors.

Staff is recommending that the proposed structures conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Initial Final Planned Unit Development. Additional and/or revised elevations may be submitted for review and approval as a part of a Final Planned Unit Development application.

Setbacks: The applicant's site plan identifies that an 18 foot front yard setback in front of the garage and a 15 foot front yard setback in front of the residence is being proposed. The Office Commercial District requires a minimum 25 foot front yard setback. However, the Planning Commission has allowed reduced setbacks within Planned Residential Developments when a minimum 18 foot front yard setback is provided in front of the proposed garages in order to ensure a vehicle may be parked in the driveway without overhanging the public right-of-way or across the sidewalk in violation of the Rapid City Municipal Code. As such, staff recommends that a minimum 18 foot front yard setback be provided in front of each garage and a minimum 15 foot front yard setback be provided in

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front of each residence. In addition, a minimum 25 foot setback must be provided along the side yard abutting a street. A side yard setback along interior side lot lines of eight feet for a one story structure and 12 feet for a two story structure shall be provided. A zero side yard setback is required along the common wall of the townhome units.

The applicant has requested that the rear yard setback be reduced from 25 feet to 22 feet on Lots 4A thru 10B, Block 1 and Lots 8A thru 11B, Block 2 to allow for the encroachment of porches with roofs but no walls or other enclosures. A covered porch with no walls or other enclosure(s) will have limited impact on the adjacent properties if a landscape buffer or a screening fence is provided along the rear lot line of the property. In particular, the portion of the northern townhome lots will abut the City's existing fire station located along Promise Road. In addition, the proposed southern townhome lots will abut the proposed office commercial area within this development. As such, a landscape buffer or screening fence is needed to ensure that a visual separation and a noise buffer are being provided between the use(s).

The City has approved one other residential development as an "experimental development" with reduced front yard and rear yard setbacks. Fencing and/or other screening was not required. The City has received complaints that the reduced setbacks do not allow for adequate separation between residential units. As such, in consideration of reducing the setbacks as requested, staff recommends that a landscape buffer or a screening fence be provided along the rear lot line of those lots with a reduced rear yard setback.

Sewer: The Wastewater Reclamation Plan includes a 2009 project for the extension of sewer along Catron Boulevard to 5<sup>th</sup> Street. These downstream sewer improvements will provide City sewer service to this development as well as other properties within the area. It is anticipated that the sewer improvements will be constructed in 2009.

The applicant has also submitted a Master Utility Plan showing the extension of a sewer main from Promise Road across City property to serve this phase of the development. In addition, the applicant has submitted a SDCL 11-6-19 Review to authorize the acquisition of a public utility easement for the future construction of a sewer main across the adjacent City owned property to serve the development.

Staff recommends that upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, the City Council must approve documents granting a public utility easement across Lot 2, Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota or an alternate sewer alignment must be submitted for review and approval. A minimum 20 foot wide utility easement(s) must be provided for the sewer main to be extended between Lot 4B and 5A of Block 1.

Water: On May 15, 2006, the City Council approved a "Planning Report for Skyline, Terracita, Southwest, Carriage Hills and future Southwest Rapid City water service zoned" prepared by CETEC Engineering Inc. Staff recommends that upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, water plans prepared by a

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Registered Professional Engineer showing the extension of water mains be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained. In addition, the water plans must show the extension of water mains in compliance with the adopted "Planning Report for Skyline, Terracita, Southwest, Carriage Hills and future Southwest Rapid City water service zoned" prepared by CETEC Engineering Inc. In addition, the plans must demonstrate that adequate fire and domestic flows are being provided. Utility easements must also be provided as needed.

Geotechnical Report: A preliminary geotechnical report was submitted with the Initial Planned Unit Development application. Upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, a complete geotechnical report including pavement design must be submitted for review and approval. In addition, the geotechnical report must include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information must be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections must be provided as needed for buried water system metal fixtures.

Vineyard Lane: The site plan identifies the extension of Vineyard Lane through the subject property. Vineyard Lane is identified on the City's Major Street Plan as a collector street requiring that it be located in a minimum 60 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit and water with no on-street parking.

Staff recommends that upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for Vineyard Lane as identified must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Promise Road: Promise Road is located east of this phase of the development. The site plan shows the extension of Promise Road through the intersection of Call Ranch Road to serve as exclusive access to this phase of the development. Promise Road is classified as a commercial street requiring that it be located within a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water.

Staff recommends that upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for Promise Road as identified must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained.

Call Ranch Road: Call Ranch Road is classified as a sub-collector street requiring that it be located within a minimum 57 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water.

Staff recommends that upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for Call Ranch Road be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be



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obtained.

North Bendert Lane: North Bendert Lane is classified as a sub-collector street requiring that it be located within a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the permanent turnaround at the end of the cul-de-sac must be located within a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface.

Staff recommends that upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for North Bendert Lane be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

North Bendert Lane is an approximate 880 foot long cul-de-sac with no intermediate turnarounds. The Street Design Criteria Manual states that an intermediate turnaround must be provided every 600 feet. As such, prior to submittal of a Final Planned Unit Development application or a Preliminary Plat application, an Exception must be obtained to allow a 880 foot long cul-de-sac street with no intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the intermediate turnaround must be provided as required.

South Bendert Lane: South Bendert Lane is classified as a lane place street requiring that it be located within 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. In addition, the permanent turnaround at the end of the cul-de-sac must be located within a minimum 110 foot diameter right-of-way and constructed with a minimum 96 foot diameter paved surface.

Staff recommends that upon submittal of a Final Planned Unit Development application or a Preliminary Plat application, road construction plans for South Bendert Lane be submitted for review and approval as identified or a Variance to the Subdivision Regulations must be obtained.

40 foot wide Access Easement: An existing 40 foot wide access easement currently extends from Promise Road and serves as access to Lot 1, Bendert Subdivision. The applicant's site plan shows the existing easement through the proposed townhome lots located north of Call Ranch Road. The applicant has indicated that he is working with the property owner of Lot 1, Bendert Subdivision to vacate the easement and to provide an alternative access to the lot as a part of the construction of this development.

Staff recommends that prior to approval of a Final Planned Unit Development application or a Preliminary Plat application for Phase Two, the 40 foot wide access easement extending from Promise Road to Lot 1, Bendert Subdivision be vacated and an alternate access be provided. In addition, the applicant must demonstrate that access is being maintained to Lot 1, Bendert Subdivision during the construction phase of this project.

Exception: On August 16, 2000, the City Council approved an amendment to the Street Design

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Criteria Manual stating that "...a street shall not provide exclusive access to more than forty (40) dwelling units. A second street access shall be provided when more than forty (40) dwelling units are exclusively accessed from a street". Call Ranch Road will serve as access to 49 dwelling units. As such, staff recommends that prior to submittal of a Final Planned Unit Development application or a Preliminary Plat application, an Exception be obtained to allow 49 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual or a second point of access must be provided as required.

Notification Requirement: As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the January 22, 2009 Planning Commission meeting if these requirements have not been met.

Staff is recommending that the Initial Planned Unit Development be approved with the stipulations as outlined above.