

STAFF REPORT

May 22, 2003

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**No. 03PL051 - Final Plat**

**ITEM 28**

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GENERAL INFORMATION:

PETITIONER	Doug Sperlich for Jeff Stone
REQUEST	<b>No. 03PL051 - Final Plat</b>
EXISTING LEGAL DESCRIPTION	A portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.19 acres
LOCATION	At the current terminus of Broadmoor Drive
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Park Forest District
East:	Low Density Residential District (PRD)
West:	Low Density Residential District (PRD)
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	04/17/2003
REPORT BY	Tom Kurtenbach

RECOMMENDATION:

Staff recommends that the Final Plat be approved with the following stipulations:

Engineering Division Recommendations:

1. Prior to Final Plat approval by City Council, text on the plat stating "The sidelines of the 20 foot wide easement for municipal water system are to be lengthened or shortened to conform to access easement lines and/or property lines" shall be deleted from the plat, as indicated on the Engineering red line comments;
2. Prior to Final Plat approval by the City Council, the plat shall be revised to identify the entire 66 feet of the section line highway width being retained as a utility easement;
3. Prior to Final Plat approval by the City Council, the note identification arrow shall be revised to

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identify both the north and south portions of the section line highway as proposed for vacation;

4. Prior to Final Plat approval by the City Council, the water system easement shall be revised on the plat to identify its continuity as indicated on the Engineering red line comments;
5. Prior to City Council approval of the Final Plat, all necessary easements for the drainage improvements shall be recorded with the Pennington County Register of Deeds;

Pennington County Register of Deeds Recommendations:

6. Prior to Final Plat approval by City Council, the subdivision name in the plat heading shall be revised to read Broadmoor Subdivision Phase I;

Urban Planning Division Recommendations:

7. Prior to Final Plat approval by the City Council, the applicant shall record the approved section line highway vacation petition with the Pennington County Register of Deeds;
8. Prior to Final Plat approval by the City Council, the applicant shall either remove the accessory structure or post financial surety in the amount necessary to remove the structure;
9. Prior to Final Plat approval by the City Council, surety shall be posted for the design and construction of the section line highway located along the south lot line or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated; and,
10. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

GENERAL COMMENTS: On September 26, 2002 and October 7, 2002, the Rapid City Planning Commission and City Council respectively approved the Preliminary Plat with 16 stipulations. The stipulations of approval addressed access, drainage, water, sewer, and wildland fire mitigation issues related to the proposed plat.

In September 2002, the applicant submitted a Vacation of Right of Way request in conjunction with a Final Plat request. One of the stipulations of the Final Plat approval was that the applicant submit a completed Vacation of Right of Way petition. A vacation petition was not submitted by the applicant, and the Final Plat and Vacation of Right of Way requests were denied without prejudice at the March 17, 2003 City Council meeting.

The applicant is currently proposing to subdivide the subject property into three residential lots. The subject property is located east of the existing Broadmoor Subdivision. Currently, a structure is located in the northeast corner of the property and the applicant has constructed a single family dwelling in the vicinity of proposed Lot 2.

STAFF REVIEW:

Access: The applicant is proposing to access the subject property from Broadmoor Drive which is a private platted street. Staff noted in the Layout Plat review that the applicant must obtain written permission from the Broadmoor Homeowner Association allowing the proposed lots to take access from Broadmoor Drive. Written permission for access to the three proposed lots has been obtained from the Broadmoor Homeowner Association. Additionally, a long term maintenance agreement for the proposed private road has been

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finalized with the Broadmoor Homeowner Association.

Section Line Highway: A section line highway is located along the south property line. The applicant has submitted plans for an interior road that will provide access to the proposed three lots. The Subdivision Regulations require that at the time of platting the section line highway must be improved, a Subdivision Regulation Variance must be obtained to waive the requirement for improvements of that portion of the section line highway adjacent to the proposed subdivision or the section line highway that lies adjacent to the subject property must be vacated on the proposed plat. The applicant has submitted a vacation of section line highway request (Companion Item # 03VR003).

Road Plans: Section 16.20.040 of the Rapid City Municipal Code requires that detailed plans including cross-sections of the proposed street be submitted for review and approval. The Engineering Division has indicated that road plans submitted by the applicant have been approved.

Drainage: The Engineering Division staff requested that a storm sewer easement be identified on the plat. The easement was submitted by the applicant and was approved by staff from the Engineering Division and City Attorney's Office. On May 6, 2003, the Pennington County Register of Deeds staff indicated that the easement had not submitted by the applicant for filing. Staff recommends that prior to Final Plat approval by the City Council, the storm sewer easement shall be recorded with the Pennington County Register of Deeds.

Sidewalks: The Final Plat shows that the three proposed lots will be bisected by a private access and utility easement, and that no buildings will be allowed on the north side of this easement. Because buildings will only be allowed on the south side, the applicant's site plan identified the provision of a four foot wide property line sidewalk only on the south side of the proposed private access easement. However, Section 16.16.090 of the Rapid City Municipal Code states that "sidewalks shall be constructed on both sides of all public and private streets in conformity with the design standards set forth in the Street Design Criteria Manual." The applicant submitted a request for a Variance to the Subdivision Regulations to waive this requirement. The variance was approved by the City Council on November 4, 2002.

Wild Land Fuel Management Plan: The Fire Department has identified the southeast portion of the property as a moderate/high wild fire hazard area. A wildland fire mitigation plan was submitted to the Rapid City Fire Department for approval.

Accessory Use: An accessory structure is currently located in the northeast corner of the property. In the Park Forest Zoning District the only principal uses permitted are detached single family dwellings, transportation and utility easements, signs and home occupations. When the subject property is subdivided, the barn will be located on a lot by itself with no other permitted principal structure creating an illegal non-conforming structure. Staff is recommending that prior to approval of the Final Plat the applicant either remove the barn or post financial surety in the amount necessary to remove the barn. It is Staff's

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recommendation that the term for the surety instrument not expire prior to the issuance of a building permit to construct a primary structure on the lot occupied by the existing accessory building. Upon application for the primary structure building permit, the posted surety for removal of the accessory structure may be released.

Plat Document Revisions: Several plat revisions are required prior to Final Plat approval by the City Council. The plat heading identifies the existing subdivision name as Broadmoor Subdivision. The Pennington County Register of Deeds staff has noted that the correct subdivision name is Broadmoor Subdivision Phase I. Staff recommends that prior to Final Plat approval by the City Council, the plat heading shall be revised to identify the existing subdivision name as Broadmoor Subdivision Phase I.

The Engineering Division staff has indicated that the note on the plat stating "The sidelines of the 20 foot wide easement for municipal water system are to be lengthened or shortened to conform to access easement lines and/or property lines" is unclear and should be deleted from the plat. Staff recommends that prior to Final Plat approval by City Council, this plat note shall be deleted.

The identification arrow associated with the note stating, "Vacated statutory section line highway as shown in miscellaneous book \_\_\_\_, page \_\_\_\_" identifies only the south half of the section line highway proposed for vacation. To clearly demonstrate that the entire section line highway width is proposed for vacation, staff recommends that prior to Final Plat approval by the City Council, the note identification arrow shall be revised to identify both the north and south portions of the section line highway.

In addition, Engineering staff has requested that the entire 66 feet of the section line highway width be retained as a utility easement. The plat retains only the north 33 feet for a utility easement. Staff recommends that prior to Final Plat approval by the City Council, the plat shall be revised to identify the entire 66 feet of the section line highway width being retained as a utility easement.

The plat identifies a 20 feet wide municipal water system easement. Engineering staff has indicated that this easement is not clearly identified, and lacks continuity. Staff recommends that prior to Final Plat approval by the City Council, the easement be revised to identify its continuity as indicated on the Engineering red line comments.

Staff believes that this proposed plat generally complies with all applicable zoning and subdivision regulations assuming compliance with the stated stipulations.