

STAFF REPORT  
November 4, 2010

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**No. 10PL033 - Preliminary Plat**

**ITEM 27**

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GENERAL INFORMATION:

APPLICANT	Deanne Boomsma
AGENT	Sperlich Consulting, Inc.
PROPERTY OWNER	Daene Boomsma
REQUEST	<b>No. 10PL033 - Preliminary Plat</b>
EXISTING LEGAL DESCRIPTION	Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 27R and 29R of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.08 acres
LOCATION	724 Lemmon Avenue
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/14/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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

- 1. Prior to Preliminary Plat approval by the Planning Commission, a Variance from the Zoning Board of Adjustment shall be obtained to reduce the minimum lot size requirement in the Medium Density Residential District from 6,500 square feet to 5,250 square feet and to reduce the minimum front building line for each lot from 50 feet to 38.50 and 36.60 feet, respectively, or the plat document shall be revised to comply with the minimum requirements;**

STAFF REPORT  
November 4, 2010

---

No. 10PL033 - Preliminary Plat

ITEM 27

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2. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval;
3. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the alley constructed with a minimum 16 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained;
4. Prior to Preliminary Plat approval by the City Council, construction plans for Lemmon Avenue shall be submitted for review and approval showing the existing 24.10 foot wide paved surface expanded to a minimum width of 27 feet or a Variance to the Subdivision Regulations shall be obtained;
5. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction;
6. Prior to submittal of a Final Plat application, the residence ordered to be demolished located on proposed 29R shall be removed or surety shall be posted for the removal of the structure. If the residence is removed by the City, then the lien covering the cost of the removal of the structure shall be paid prior to submittal of a Final Plat application;
7. 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;
8. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and,
9. 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: October 22, 2010. All revised and/or added text is shown in bold print.) This item was continued at the October 7, 2010, Planning Commission meeting to allow the applicant to obtain a Variance from the Zoning Board of Adjustment to reduce the minimum lot size requirement in the Medium Density Residential District from 6,500 square feet to 5,250 square feet and to reduce the minimum front building line for each lot from 50 feet to 38.50 and 36.60 feet, respectively. The Variance request will be considered at the November 2, 2010, Zoning Board of Adjustment meeting. Staff will notify the Planning Commission at the November 4, 2010, Planning Commission meeting of the decision of the Zoning Board of Adjustment.

(Update: September 24, 2010. All revised and/or added text is shown in bold print.) This item was continued at the September 9, 2010 Planning Commission meeting to allow the applicant to address outstanding issues.

On September 7, 2010 the Zoning Board of Adjustment denied a Variance request to reduce the minimum lot size requirement in the Medium Density Residential District from 6,500

STAFF REPORT  
November 4, 2010

---

**No. 10PL033 - Preliminary Plat**

**ITEM 27**

---

square feet to 5,184 square feet. The applicant has indicated that the plat document will be revised and a new Variance request submitted for review at the November 2, 2010 Zoning Board of Adjustment meeting. The applicant has subsequently requested that this item be continued to the November 4, 2010 Planning Commission meeting to allow the Zoning Board of Adjustment to consider the associated Variance request.

(Update: August 30, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 26, 2010 Planning Commission meeting to allow the applicant to address outstanding issues. In addition, on September 7, 2010 the Zoning Board of Adjustment will consider a Variance request to reduce the minimum lot size requirement in the Medium Density Residential District from 6,500 square feet to 5,184 square feet. Stipulation No. 1 as identified above states that the Variance must be obtained or the plat document revised to comply with the lot size requirement prior to Preliminary Plat approval by the Planning Commission. Staff will notify the Planning Commission at the September 9, 2010 Planning Commission meeting if this stipulation has not been met.

(Update: August 19, 2010. All revised and/or added text is shown in bold print.) This item was continued at the August 5, 2010 Planning Commission meeting to allow the applicant to address outstanding issues. On August 17, 2010, the Zoning Board of Adjustment granted a Variance to reduce the front building line for each lot from 50 feet to 37.28 feet and to reduce the side yard setback from 8 foot to 4 foot. The applicant has also submitted a Variance to reduce the minimum lot size requirement in the Medium Density Residential District from 6,500 square feet to 5,184 square feet. This request will be considered at the September 7, 2010 Zoning Board of Adjustment meeting. As such, staff recommends that the Preliminary Plat be continued to the September 9, 2010 Planning Commission meeting to allow the Zoning Board of Adjustment to consider the Variance request.

(Update: July 23, 2010. All revised and/or added text is shown in bold print.) This item was continued at the July 22, 2010 Planning Commission meeting to allow the applicant to address the issues as identified in the stipulations of approval. Staff will notify the Planning Commission at their August 5, 2010 Planning Commission meeting if the stipulations of approval have not been met.

(Update: July 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the June 24, 2010 Planning Commission meeting to allow the applicant to address the issues as identified in the stipulations of approval. Staff will notify the Planning Commission at their July 22, 2010 Planning Commission meeting if the stipulations of approval have not been met.

(Update: June 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the June 10, 2010 Planning Commission meeting to allow the applicant to address the issues as identified in the stipulations of approval. As of this writing, the issues have not been addressed as required.

The Planning Commission has also directed the applicant to resend the letter of notice for the associated Variance to the Subdivision Regulations application since a property owner noted that they received an envelope without the letter of notice enclosed as required. Staff will notify the Planning Commission at their June 24, 2010 Planning Commission if these

STAFF REPORT  
November 4, 2010

---

**No. 10PL033 - Preliminary Plat**

**ITEM 27**

---

issues have been addressed.

The applicant has submitted a Preliminary Plat to reconfigure three lots into two lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #10SV010) to waive the requirement to pave the alley and to reduce the pavement width along Lemmon Avenue from 27 feet to 24.10 feet.

The property is located 75 feet south of the intersection of Adams Street and Lemmon Avenue on the east side of Lemmon Avenue. Currently, a single family residence is located on proposed Lot 27R and on proposed Lot 29R.

**STAFF REVIEW:**

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

**Structural Development:** As previously indicated a single family residence is located on proposed Lot 27R and on proposed Lot 29R. The applicant has indicated that both residences will be removed and two new homes will be constructed on the property. The residence located on proposed Lot 29R has been ordered to be demolished. To date, the residence has not been removed as required. Since the property owner failed to comply with the demolition order for the residence, the City has opened bids for the demolition of the structure. Once all bids are returned and the job has been awarded, a demolition date to remove the home will be established. If the residence is demolished by the City, a lien will be placed on the lot to cover the expense of the demolition.

Staff recommends that prior to submittal of a Final Plat application, the residence located on proposed 29R that has been ordered to be demolished be removed or surety shall be posted for the removal of the structure. If the residence is removed by the City, then the lien covering the cost of the removal of the structure must be paid prior to submittal of a Final Plat application.

**Lot Configuration:** The Subdivision Regulations states that "...for lots in residential districts having a width of not more than one hundred fifty feet, the lot length shall not be greater than twice the lot width". The proposed Preliminary Plat identifies that the two lots will have a length twice the distance of the width. As such, staff recommends that prior to Preliminary Plat approval by the City Council, an Exception must be obtained to allow a lot twice as long as it is wide or the plat document must be revised to comply with the length to width requirement.

(Update: August 30, 2010.) An Exception has been obtained to allow a lot twice as long as it is wide.

Chapter 17.10.050 of the Rapid City Municipal Code states that "for all dwellings there shall be a minimum lot width of 50 feet at the front building line". The proposed plat identifies a 37.28 front building line on each lot. As such, staff recommends that prior to Preliminary Plat approval by the Planning Commission, a Variance from the Zoning Board of Adjustment be obtained to reduce the front building line for each lot from 50 feet to 37.28 feet or the plat document must be revised to comply with the front building line requirement. In addition, prior to Preliminary Plat approval by the Planning Commission, the applicant must submit a

STAFF REPORT  
November 4, 2010

---

**No. 10PL033 - Preliminary Plat**

**ITEM 27**

---

site plan demonstrating that the proposed plat provides lots that can be constructed on in compliance with all applicable zoning requirements.

(Update: August 30, 2010.) On August 17, 2010 the Zoning Board of Adjustment granted a Variance to reduce the front building line for each lot from 50 feet to 37.28 feet.

(Update: September 24, 2010.) Please note that a new Variance to reduce the minimum required 50 foot front building line for each lot must be obtained from the Zoning Board of Adjustment if the revised plat document reflects different dimensions along the front building line.

Easements: Title 16.12.200 of the Rapid City Municipal Code states that "Easements across lots or centered on rear or side lot lines shall be provided for utilities and drainage where necessary and shall not be less than 20 feet wide total unless otherwise approved by the City Engineer". Generally, the City Engineer has supported an 8 foot wide minor drainage and utility easement being secured along all interior lot lines. The applicant has requested that the minor drainage and utility easement along the side lot lines be reduced from 8 feet to 4 feet. However, to date, drainage information has not been submitted for review and approval demonstrating that a 4 foot wide drainage easement can accommodate drainage flows along the side lot lines. In addition, written documentation must be submitted from all of the affected utility companies indicating concurrence with the reduced easement request.

Staff recommends that prior to Preliminary Plat approval by the Planning Commission, the plat document shall be revised to provide a minimum 8 foot wide minor drainage and utility easement along the side lot lines or an Exception must be obtained from the City Engineer reducing the easement width from 8 feet to 4 feet as proposed. In addition, the applicant must submit written documentation identifying that all of the affected utility companies concur with the proposed easement reduction.

(Update: August 30, 2010.) The applicant has submitted drainage information demonstrating that a 4 foot wide drainage easement can accommodate drainage flows along the side lot lines. In addition, written documentation has been submitted from the affected utility companies concurring with the request to reduce the easement width. As such, the City Engineer has indicated concurrence with reducing the easement width from 8 feet to 4 feet as proposed.

Alley: A 20 foot wide alley right-of-way is located along the east lot line of the property. The alley is currently constructed with a gravel surface. The Street Design Criteria Manual requires that the alley be constructed with a minimum 16 foot wide paved surface. As such, staff recommends that prior to Preliminary Plat approval by the City Council, construction plans be submitted for review and approval showing the alley constructed with a minimum 16 foot wide paved surface or a Variance to the Subdivision Regulations must be obtained.

The applicant should be aware that redevelopment of the site will require that an Exception to the Street Design Criteria Manual be obtained as a part of the building permit process if the alley is proposed as the principle means of access to the lot(s).

Lemmon Avenue: Lemmon Avenue is located along the west lot line of the property and is

STAFF REPORT  
November 4, 2010

---

**No. 10PL033 - Preliminary Plat**

**ITEM 27**

---

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. Lemmon Avenue is located within an 80 foot wide right-of-way and constructed as a sub-collector street with the exception of a reduced pavement width of 24.10 feet. As such, staff recommends that prior to Preliminary Plat approval by the City Council, construction plans for Lemmon Avenue be submitted for review and approval showing the existing 24.10 foot wide paved surface expanded to a minimum width of 27 feet or a Variance to the Subdivision Regulations must be obtained.

Utilities: Currently, an 8 inch water main and a 15 inch sewer main are located on Lemmon Avenue. To date, a site plan showing the water and sewer mains and service lines has not been submitted for review and approval. As such, staff recommends that prior to Preliminary Plat approval by the Planning Commission, a site plan showing the location of the existing water and sewer mains along Lemmon Avenue and all private utility service lines be submitted for review and approval. In addition, an Exception must be obtained if needed to allow a water and/or sewer service line to cross another lot or the plat document must be revised to comply with the City's design standard or the applicant must show the service lines abandoned and new service lines provided as needed.

(Update: August 30, 2010.) A site plan has been submitted by the applicant and approved by staff showing the location of the service lines. An Exception is not needed to allow a service line to cross another lot.

Stormwater Management Plan: The City Council recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. As such, staff recommends that prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction.

Drainage: To date, a drainage plan has not been submitted for review and approval. As such, staff recommends that prior to Preliminary Plat approval by the City Council, a drainage plan in compliance with the Haines Avenue Drainage Basin Plan be submitted for review and approval. The drainage plan must include information showing that the proposed improvements will not negatively impact existing drainage on the property and/or adjacent properties. As previously indicated, the drainage plan must also demonstrate that a reduction in the side lot line minor drainage easement from 8 feet to 4 feet will not adversely affect the adjacent properties. The plat document must also be revised to provide drainage easements as necessary.

(Update: August 30, 2010.) The applicant has submitted a drainage plan in compliance with the Haines Avenue Drainage Basin Plan. In particular, the drainage plan shows that the proposed improvements will not negatively impact the existing drainage on the property and/or adjacent properties. In addition, the drainage plan demonstrates that reducing the side lot line minor drainage easements from 8 feet to 4 feet as proposed will not adversely affect the adjacent properties.

STAFF REPORT  
November 4, 2010

---

**No. 10PL033 - Preliminary Plat**

**ITEM 27**

---

Floodplain: The applicant has submitted a site plan identifying that a large portion of the property is located within the 00 year Federally Designated Floodplain. The applicant should be aware that any construction within this area of the property requires that a Floodplain Development Permit be obtained prior to the start of construction.

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 as required by the Ordinance. In addition, surety for any required subdivision improvements that have not been completed must be posted. As such, staff recommends 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 recommends 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.**