

STAFF REPORT

January 23, 2003

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No. 02PL102 - Final Plat

ITEM 33

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GENERAL INFORMATION:

PETITIONER	Doug Sperlich for Jeff Stone
REQUEST	No. 02PL102 - Final Plat
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 water and sewer
DATE OF APPLICATION	09/27/2002
REPORT BY	Tom Kurtenbach

RECOMMENDATION:

Staff recommends that the Final Plat be continued to the **February 6, 2003** Planning Commission meeting to allow the applicant time to acquire the needed signature(s) on the vacation of section line highway petition. **This item has been continued since October 2002. As such, the applicant should be aware that if the outstanding issues are not addressed by the February 6, 2003 Planning Commission meeting, Staff will recommend that this item be denied without prejudice.**

GENERAL COMMENTS: (Updates to the staff report are shown in bold.) This item was continued from the **January 9, 2003** Planning Commission meeting. 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

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proposed plat. The applicant is 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 is constructing a single family dwelling in the vicinity of proposed Lot 2.

### STAFF REVIEW:

Drainage: Stipulation Number 1 in the September 26, 2002 Staff Report for the Preliminary Plat listed drainage improvements to be completed. These improvements include all necessary easements. A storm water drainage easement **has been developed** by the applicant's agent and the City Attorney. The easement document was approved by the City Attorney on December 25, 2002.

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 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 within the subject property may be vacated on the proposed plat. The applicant has submitted a vacation of section line highway request (Companion Item No. 02VR005). As of this writing, the petition to vacate the section line highway is incomplete due to lack of landowner signatures.

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.

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 Planning Commission on October 24, 2002.

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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 and approved by the Rapid City Fire Department.

Accessory Use: As mentioned in the General Comments section of this report a structure is currently located in the northeast corner of the property. The site plan submitted with this request identifies the structure as a barn. 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.

**This item has been continued since October 2002. As such, the applicant should be aware that if the outstanding issues are not addressed by the February 6, 2003 Planning Commission meeting, Staff will recommend that this item be denied without prejudice.**