

STAFF REPORT

March 6, 2003

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**No. 02PL102 - Final Plat**

**ITEM 47**

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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:

**This item has been continued since October 24, 2002. Staff recommends that the Final Plat be denied without prejudice.**

GENERAL COMMENTS: (**Updates to the staff report are shown in bold.**) This item was continued from the **February 20, 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 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.

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STAFF REVIEW: A signed section line highway vacation petition was submitted to Staff for review on January 22, 2003. Staff review of the petition identified a revised legal description taped onto the original document, annulling the validity of the petition document.

Staff has requested the following information from the applicant's agent. This information has not been submitted as of February 26, 2003. The following items will need to be addressed prior to Final Plat approval.

Plat Revisions: The following plat revisions were requested by Staff, and need to be verified. Staff recommends that the applicant submit the revised plat for verification.

1. Text on the proposed plat describing the non-construction area shall be written to clearly include Lots 1, 2 and 3.
2. 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 eliminated from the plat.
3. The Final Plat shall show a 20 foot utility easement along the section line highway proposed for vacation.
4. Plat note "Utility and Minor Drainage Easements: 8 feet on the interior sides of all lot lines." shall be revised to read, "Utility and Minor Drainage Easements: 8 feet on the interior sides of all lot lines, except where major drainage or water system easements are located."

Miscellaneous:

5. All necessary easements and agreements for the drainage improvements shall be recorded with the Pennington County Register of Deeds.
6. The applicant shall record an approved section line highway vacation document with the Pennington County Register of Deeds.
7. The applicant must either remove the existing accessory building or post financial surety in the amount necessary to remove the accessory structure; the surety instrument shall not expire prior to the issuance of a building permit to construct a primary structure on the lot occupied by the existing accessory building.
8. All Uniform Fire Code requirements shall be continually met.
9. The applicant shall submit for review and approval a revised subdivision estimate form for subdivision improvements that have not been completed.
10. Surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

If the signed petition for the vacation of section line highway is received prior to the **March 6, 2003** Planning Commission meeting, Staff will recommend approval of the Final Plat with stipulations at that time.

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

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applicant's agent and the City Attorney. The easement document was approved by the City Council on January 20, 2003.

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). The signed section line highway vacation petition was submitted to Staff for review on January 22, 2003. Staff review of the petition identified a revised legal description taped onto the original document, annulling the validity of the petition document. Staff recommends that a signed original vacation petition document be submitted for review and approval by City Attorney Staff. Upon approval by Staff, the petition document shall be registered with the Pennington County Register of Deeds Office prior to Final Plat approval by the City Council.

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.

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

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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. It is Staff's 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.