

STAFF REPORT

July 5, 2001

No. 01SV009 - Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit

ITEM 65

GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying for Ken Berglund
REQUEST	No. 01SV009 - Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit
LEGAL DESCRIPTION	Lots 1-4 of Squirrelly Acres Subdivision located in the NE1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 24.92 Acres
LOCATION	5501 Berglund Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Agriculture District
East:	Business Park District
West:	General Agriculture District
PUBLIC UTILITIES	Private on-site wastewater and community water
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit for Lot 4 of Squirrelly Acres be denied and that the Variance to the Subdivision Regulations to waive the requirements for paving curb, gutter, sidewalk, dry sewer and street light conduit for Lots 1 thru 3 of Squirrelly Acres be approved with the following stipulations:

Engineering Division Recommendation:

1. Prior to City Council approval, the road shall be constructed to a minimum 20 foot wide graveled roadway, or surety shall be posted;

Fire Department Recommendation:

2. Prior to City Council approval, design plans for a turnaround at the end of the cul-de-sac shall be submitted for review and approval. The cul-de-sac design shall comply with the minimum requirements of the Street Design Criteria Manual or a special exception shall be obtained; and,

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Urban Planning Division Recommendations:

3. Prior to City Council approval, a waiver of right to protest an assessment district for Lots 1 through 3 shall be signed.

GENERAL COMMENTS: The applicant has submitted a Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit on Lots 1 thru 4 of Squirrely Acres Subdivision. The property is located at the southern terminus of Berglund Road, directly west of the SoDak building on South U. S. Highway 16.

Currently, three residences are located on the proposed Lots 1 thru 3. Lot 4 is currently void of any structural development. The applicant has submitted a Preliminary and Final Plat for Lots 1 thru 3 and a Layout Plat for Lot 4. In addition, the applicant has submitted a request to rezone Lots 1 thru 3 from General Agriculture District to Park Forest with a Planned Residential Development and to rezone Lot 4 from General Agriculture District to Medium Density Residential District with a Planned Residential District. (See companion items 01PL044, 01PL047, 01RZ024, 01RZ025, 01PD026 and 01PD027.)

STAFF REVIEW: **This item was continued at the June 7, 2001 Planning Commission meeting to allow it to be heard in conjunction with the associated items listed above. No other part of this Staff Report has been revised.** Staff has reviewed the Variance to the Subdivision Regulations request and has noted the following considerations:

Lots 1 thru 3: As previously indicated, a residence is currently located on each of these three lots. The accompanying Preliminary and Final Plat to subdivide this portion of the subject property into three lots will not result in an increase in density from that currently existing on the property. Staff is recommending that the Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit on Lots 1 thru 3 be approved contingent upon the road being improved to a minimum 20 foot wide graveled roadway. In addition, the applicant must sign a waiver of right to protest a future assessment district for Lots 1 through 3. The Fire Department has indicated that design plans for a turnaround at the end of the cul-de-sac must be submitted to the Fire Department for review and approval to insure safe ingress and egress of emergency vehicles. The cul-de-sac must comply with the provisions of the Street Design Criteria Manual or a special exception must be obtained.

Lot 4: As previously indicated, the applicant has submitted a rezoning request to rezone Lot 4 from General Agriculture District to Medium Density Residential District with a Planned Residential Development. The Medium Density Residential District allows for medium to high population densities, including multi-family dwelling units, greatly increasing traffic along Berglund Road. A section line right-of-way is located along the east lot line of Lot 4. The road within the section line right-of-way as well as that portion of Berglund Road extending from the section line right-of-way adjacent to the proposed lot must be improved

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to City standards upon Final Plat approval. As such, staff is recommending that the Variance to the Subdivision Regulations to waive the requirements for paving, curb, gutter, sidewalk, dry sewer and street light conduit for Lot 4 be denied.