

STAFF REPORT
September 22, 2011

No. 11SV014 - Variance to the Subdivision Regulations to allow a 17 foot wide graveled surface in lieu of a minimum 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Berglund Road and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code

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GENERAL INFORMATION:

APPLICANT	Ken Berglund for the Estate of Patricia Berglund
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Ken Berglund
REQUEST	No. 11SV014 - Variance to the Subdivision Regulations to allow a 17 foot wide graveled surface in lieu of a minimum 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Berglund Road and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code
EXISTING LEGAL DESCRIPTION	The north 825 feet of the NE1/4 SE1/4 less Squirrely Acres Subdivision located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 4 and 5 of Squirrely Acres Subdivision
PARCEL ACREAGE	Approximately 7.21 acres
LOCATION	Along Berglund Road, south of the intersection of Berglund Road and Fox Road
EXISTING ZONING	Medium Density Residential District (Planned Development Designation)
SURROUNDING ZONING	
North:	Park Forest District
South:	Office Commercial District (Planned Commercial Development)

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East:	Business Park District
West:	Park Forest District (Planned Residential Development)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	8/26/2011
REVIEWED BY	Vicki L. Fisher / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Variance to the Subdivision Regulations to allow a 17 foot wide graveled surface in lieu of a minimum 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Berglund Road and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulations:

1. Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the street improvements along the section line highway;
2. Prior to submittal of a Preliminary Plat application, the Wild Fire Mitigation Plan shall be approved by Fire Department. In addition, prior to submittal of a Final Plat application, the plan shall be implemented;
3. Upon submittal of a Preliminary Plat application, the applicant shall submit written documentation identifying maintenance of Berglund Road; and,
4. A note shall be placed on the plat stating that all residential structures shall be sprinklered with a residential fire sprinkler system.

GENERAL COMMENTS:

The applicant has submitted a Variance to the Subdivision Regulations to allow a 17 foot wide graveled surface in lieu of a minimum 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Berglund Road and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway as they abut the property. In addition, the applicant has submitted a Layout Plat to subdivide a 7.21 acre parcel into two lots sized 3.01 acres and 4.2 acres, respectively. The applicant has also submitted a Rezoning request to change the zoning designation of the property from Medium Density Residential District to Park Forest District.

The property is located approximately 300 feet south of the intersection of Fox Road and Berglund Road. Currently, the property is void of any structural development.

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STAFF REVIEW:

Staff has reviewed the Variance to the Subdivision Regulations and has noted the following considerations:

Street Improvements: Berglund Road is located along the north and west lot lines of the property and is classified as a lane place street requiring that it be located within a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Berglund Road is located within a 40 foot wide private access easement and constructed with an approximate 17 foot wide graveled surface. An unimproved section line highway is located along the east lot line of the property and is classified as a commercial street requiring that it be located within a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Requiring the improvements along Berglund Road and the section line highway as they abut the property would result in a discontinuous street section. In the past the Planning Commission and the City Council have granted similar Variance requests when the street improvements would create a discontinuous street design.

Berglund Road currently serves as access to the property. As such, waiving the requirements to improve the section line highway will not impact access to the two proposed lots. In addition, retaining the section line highway in lieu of vacating it preserves future access to the neighboring properties as they develop.

The Fire Department has indicated concurrence with the Variance to the Subdivision Regulations request to waive the requirement to connect to a community water system with the stipulation that a Wild Fire Mitigation Plan be submitted for review and approval and implemented. In addition, since the proposed on-site well(s) will not provide fire flows, the Fire Department has requested that a note be placed on the plat stating that all residential structures be sprinklered with a residential fire sprinkler system. Please note that the applicant has submitted a Wild Fire Mitigation Plan for the property which is currently being reviewed by the Fire Department.

Based on the reasons as noted above, staff recommends that the Variance to the Subdivision Regulations to allow a 17 foot wide graveled surface in lieu of a minimum 24 foot wide paved surface and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Berglund Road and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway be approved with the stipulations that prior to approval by the City Council, the

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applicant sign a waiver of right to protest any future assessments for the street improvements along the section line highway; that prior to submittal of a Preliminary Plat application, a Wild Fire Mitigation Plan be approved by the Fire Department and prior to submittal of a Final Plat application, the plan be implemented; that upon submittal of a Preliminary Plat application, the applicant submit written documentation identifying maintenance of Berglund Road; and, that a note be placed on the plat stating that all residential structures be sprinklered with a residential fire sprinkler system.

Legal Notification Requirement: As of this writing, the white slips and green cards from the certified mailings have not been returned. Staff will notify the Planning Commission at the September 22, 2011 Planning Commission meeting if this requirement is not met. Staff has not received any calls or inquiries regarding this proposal.