

STAFF REPORT
February 19, 2015

No. 15PD002 - Initial Planned Development Overlay to allow a residential development **ITEM 2**

GENERAL INFORMATION:

APPLICANT	Lisa R. Schneider - Estate of Patricia Berglund
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Patricia M. Berglund
REQUEST	No. 15PD002 - Initial Planned Development Overlay to allow a residential development
EXISTING LEGAL DESCRIPTION	The north 825 feet of the NE1/4 of the SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 4 and 5 of Squirrelly Acres
PARCEL ACREAGE	Approximately 7.21 acres
LOCATION	5455 Berglund Road
EXISTING ZONING	Park Forest District (Planned Development Designation)
FUTURE LAND USE DESIGNATION	Forest Conservation
SURROUNDING ZONING	
North:	Park Forest District
South:	Office Commercial District (Planned Development)
East:	Business Park District
West:	Park Forest District (Planned Development)
PUBLIC UTILITIES	Private well and septic systems
DATE OF APPLICATION	January 23, 2015
REVIEWED BY	Robert Laroco / Ted Johnson

RECOMMENDATION:

Staff recommends that the Initial Planned Development Overlay to allow a residential development be approved with the following stipulations:

1. Prior to issuance of a building permit, a Final Planned Development shall be approved for the property;
2. Prior to issuance of a Certificate of Occupancy, a Final Plat shall be approved for the

STAFF REPORT
February 19, 2015

No. 15PD002 - Initial Planned Development Overlay to allow a residential development **ITEM 2**

- property;
3. Prior to issuance of a building permit, calculations and analysis demonstrating that the proposed well and wastewater systems can service the property shall be submitted. In addition, an on-site wastewater permit shall be obtained;
 4. Prior to issuance of a building permit, a recordable document shall be submitted for review and approval to 1) secure maintenance of Berglund Road; 2) ensure that fire sprinkler protection for all residential structures be provided and designed and installed as per the provisions established within NFPA13D; and, 3) ensure that all landscaping and building materials conform with the Rapid City Fire Department Survivable Space Initiative Guidelines. The approved document shall be submitted with the Final Plat application for recording;
 5. Prior to issuance of a building permit, revised plans shall be submitted showing that the first 50 feet of each driveway for the proposed single family residences is being paved, or an Exception from the Zoning Ordinance shall be obtained as a part of the Final Planned Development approval;
 6. All requirements of the Park Forest District shall be continually maintained unless specifically stipulated as a part of the Final Planned Development or a future Major Amendment to the Planned Development, and;
 7. This Initial Planned Development shall allow for the development of the property with two single family residences and accessory structures. Uses permitted in the Park Forest District shall be permitted contingent upon an approved building permit. Conditional uses in the Park Forest District shall require the review and approval of a Major Amendment to the Planned Development.

GENERAL COMMENTS: The applicant has submitted a request for an Initial Planned Development to allow development of two single family residences on property zoned Park Forest District. The applicant is proposing to subdivide an existing 7.21 acre property into two lots. An associated Preliminary Subdivision Plan (File #15PL008) has been submitted to subdivide the existing 7.21 acre parcel into two lots comprising 3.01 acres and 4.20 acres, to be known as Lots 4 and 5 respectively. The associated Preliminary Subdivision Plan is scheduled to be heard at the February 19, 2015 Planning Commission meeting.

On October 21, 2011, the City Council approved a Layout Plat (File #11PL046) to create two lots as shown on this application. The City Council also approved a Variance to the Subdivision Regulations to waive the requirement to improve Berglund Road and the adjacent section line highway with the stipulation that the applicant sign a waiver of right to protest any future assessment for the street improvements. The applicant has subsequently signed the Waiver of Right to Protest document and a recorded copy has been submitted with this application.

On July 16, 2001, City Council approved a Planned Development Designation on the property (File #01PD035). On October 3, 2011, the City Council approved a request to rezone this property from Medium Density Residential District to Park Forest District (File #11RZ018). Original plans for the area showed that development of the property was to consist of multifamily housing. However, the anticipated development did not occur and the applicant requested to rezone the property to Park Forest District in the same character of the adjacent residential development to the west. The rezoning of the property resulted in a

STAFF REPORT
February 19, 2015

No. 15PD002 - Initial Planned Development Overlay to allow a residential development **ITEM 2**

decrease in the anticipated intensity of use for the property which includes single family residences located on minimum three acre lots.

The existing property today abuts a Section Line Highway to the east. However, the property is accessed by Berglund Road, a private access easement located to the north and west of the proposed lots. The applicant is requesting Exceptions to the construction of Berglund Road and the Section Line Highway, as well as Exceptions from the Infrastructure Design Criteria Manual to waive the requirements to connect to City utilities as a part of the associated Preliminary Subdivision Plan. Instead the applicant is proposing to service each property with an individual well and on-site wastewater system. Public Works has noted that the applicant has submitted requests for Exceptions to these requirements of the Infrastructure Design Criteria Manual and the requests have been approved. A Final Plat must be approved prior to issuance of a Certificate of Occupancy. In addition, prior to issuance of a building permit, a Final Planned Development must be approved for the property.

No Exceptions to the underlying requirements of the Park Forest District have been requested. The property is located approximately 300 feet south of the intersection of Fox Road and Berglund Road and is currently void of structural development.

STAFF REVIEW: Staff has reviewed the request for a Final Planned Development pursuant to the requirements of Chapter 17.50.050.F(5) of the Rapid City Municipal Code and has noted the following considerations:

There are certain conditions pertaining to the particular piece of property in questions because of its size, shape, or topography;

The property is comprised of approximately 7.21 acres zoned Park Forest District. The area is developed with single family residences in the Park Forest District to the west and north. National American University is located on property adjacent to the east. The property is generally grass-covered and slopes downhill from north to south, with the southern portions of proposed Lot 5 sloping significantly downhill. The topographical constraints on the southern portions of proposed Lot 5 may impact development of the site. However, it appears that a sufficient building envelope will still remain on the property.

The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship;

The property is located within an existing Planned Development Designation, requiring that a Final Planned Development be approved prior to issuance of a building permit for the property. The application of these regulations to this particular piece of property would not create a practical difficulty or undue hardship.

Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations;

No Exceptions to the Park Forest District are being requested as a part of this Initial Planned

STAFF REPORT
February 19, 2015

No. 15PD002 - Initial Planned Development Overlay to allow a residential development **ITEM 2**

Development. The applicant should be aware that a minimum 58 foot setback is required along the section line highway located along the eastern boundary of the property.

A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed;

The Park Forest District is intended to provide the City with an area to be preserved for its natural beauty and open character. Single family residences are a permitted use in the Park Forest District. A literal interpretation of this chapter would not deprive the applicant of rights that others in the same district are allowed.

Any adverse impacts will be reasonably mitigated;

Rapid City Municipal Code Chapter 17.50.270.I requires that the first 50 feet of the driveway for a single family residence must be paved. Prior to issuance of a building permit, final plans must be revised to show that the first fifty feet of each driveway is being paved, or an Exception to waive the requirements to pave the driveway must be obtained as a part of the Final Planned Development approval.

Water: The proposed lots are located more than 400 feet from an existing central water system. As such, the applicant has indicated that the proposed lots will be served by individual well(s). Since the private well will not provide fire flow requirements, a recordable document must be submitted for review and approval to ensure that fire sprinkler protection for all residential structures is provided and to ensure that all landscaping and building materials conform with the Rapid City Fire Department Survivable Space Initiative Guidelines. As noted above, the recordable document must be submitted for review and approval prior to submittal of the Final Plat application. In addition, the approved document must be submitted for recording with the Final Plat application.

Sewer: The property is located more than 400 feet from an existing central sewer system. As such, the applicant has indicated that the proposed lots will be served by individual on-site wastewater systems. The applicant should be aware that an on-site wastewater plan must be submitted for review and approval with the building permit application.

The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objectives of the existing standard sought to be modified;

Submitted plans show the development of the property with single family residences. A Final Planned Development is required prior to issuance of a building permit. No Exceptions to the underlying requirements of the Park Forest District are being requested as a part of this Initial Planned Development. Exceptions from the Infrastructure Design Criteria Manual waiving improvements to Berglund Road, the abutting section line highway, and utilities have been approved as a part of the associated Preliminary Subdivision Plan. As such, staff recommends that the Initial Planned Development be approved in conjunction with the associated Preliminary Subdivision Plan and with the stipulations outlined above.

STAFF REPORT
February 19, 2015

No. 15PD002 - Initial Planned Development Overlay to allow a residential development **ITEM 2**

Notification Requirements: The letters of notification have been returned to Community Planning and Development Services for mailing. The sign has been posted on the property. As of this writing, there has been one inquiry into the proposed Final Planned Development. The inquiring party did not indicate support or opposition to the request.