

STAFF REPORT

September 5, 2002

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**No. 02SR013 - 11-6-19 SDCL Review to construct a street within a Section Line Highway**      **ITEM 37**

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GENERAL INFORMATION:

PETITIONER	Centerline, Inc. for Lazy P-6 Properties, LLC
REQUEST	<b>No. 02SR013 - 11-6-19 SDCL Review to construct a street within a Section Line Highway</b>
EXISTING LEGAL DESCRIPTION	The Section Line Highway located between Section 19, T1N, R8E and Section 24, T1N, R7E, BHM, Pennington County, South Dakota
LOCATION	At the intersection of future 5th Street and Catron Boulevard
EXISTING ZONING	General Commercial District / Light Industrial District (County)
SURROUNDING ZONING	
North:	General Agriculture District (City)
South:	Light Industrial District (County)
East:	General Commercial District / Light Industrial District (County)
West:	General Commercial District (County)
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	08/09/2002
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the 11-6-19 SDCL Review to construct a street within a section line highway be denied.

GENERAL COMMENTS: The Robbinsdale Neighborhood Area Future Land Use Plan and the Major Street Plan in the Rapid City Area Long Range Transportation Plan both identifies the future extension of 5<sup>th</sup> Street as being located south of Catron Boulevard in the section line highway lying between Section 19, T1N, R8E, BHM, Pennington County, South Dakota and Section 24, T1N, R7E, BHM, Pennington County, South Dakota. This property is located outside the incorporated City limits of Rapid City within the City's three mile platting jurisdiction. The property is zoned General Commercial District by Pennington County. The applicant obtained a construction permit from Pennington County, to build a 24 foot wide gravel road in the section line highway to allow access to the general commercial business.

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South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has adopted a comprehensive plan, then no street, park or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The extension of 5<sup>th</sup> Street is identified in the Rapid City Comprehensive Plan requiring that the proposed use be reviewed and approved by the Rapid City Planning Commission.

**STAFF REVIEW:** This extension of 5<sup>th</sup> Street south of Catron Boulevard must be built to the City street design standards for a principal arterial road. Staff has reviewed the request for an 11-6-19 Review and found that the proposed 24 foot gravel road does not comply with the adopted City standards for an arterial road. The land owner or developer is responsible for construction of the road up to a collector road standard. The City is responsible for any oversizing. For this reason, Staff is recommending denial of the request to construct a street in the section line highway.

Staff has also identified the following concerns:

**Air Quality:** The Air Quality Division has indicated that there is an existing air quality permit for the subject property; however, the permit must be amended to include the road construction work. Further, Staff has received several complaints regarding fugitive dust emissions from this area. Care will need to be taken to insure that fugitive dust emissions are mitigated.

**Section Line Highway:** Staff has noted that the Major Street Plan identifies this street as a principal arterial road. Any construction within this public highway must be built to City street design standards for a collector road. Street oversizing to an arterial standard will be the City's responsibility and may be constructed in conjunction with the initial road construction or phased in as traffic levels require. The section line highway currently provides a 66 foot wide right-of-way. However, a minimum 100 foot wide right-of-way is required for a principal arterial road. An additional 34 feet of right-of-way will need to be dedicated when platting occurs in the future. An approach permit must be obtained from the South Dakota Department of Transportation for any intersection improvements, including grading in the right-of-way. Traffic Control Signs, including stop sign, speed limit sign, and road name sign must be erected.

Staff is recommending denial of the 11-6-19 Review to allow the construction of 5<sup>th</sup> Street within a section line highway with a 24 foot gravel surface. The applicant must provide construction plans to meet the City Street Design Criteria Manual, and must reapply for the 11-6-19 Review at that time.