

STAFF REPORT

September 5, 2002

No. 02SR012 - 11-6-19 SDCL Review to allow for the construction of a street **ITEM 36**

GENERAL INFORMATION:

PETITIONER	William and Claudia Siegel
REQUEST	No. 02SR012 - 11-6-19 SDCL Review to allow for the construction of street
EXISTING LEGAL DESCRIPTION	A tract of land in the SE1/4 of SW1/4 of Section 19, T2N, R8E, BHM Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.0 acres
LOCATION	Northwest of the intersection of Freeland Avenue and Mullock Street
EXISTING ZONING	Suburban Residential District
SURROUNDING ZONING	
North:	Suburban Residential District
South:	Suburban Residential District
East:	Suburban Residential District
West:	Suburban Residential District
PUBLIC UTILITIES	None
DATE OF APPLICATION	07/29/2002
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow for the construction of a street be denied.

GENERAL COMMENTS:

The applicant is proposed to construct a 20 foot wide graveled road within the "Freeland Avenue" public right-of-way. The road will measure approximately 80 feet in length and will serve as access to a single family residence located directly west of the proposed road.

On August 9, 2002, the Pennington County Planning Department approved a Construction Permit to allow a 20 foot wide graveled road to be constructed in the right-of-way. In addition, the Pennington County Highway Department approved an approach permit requiring that an 18 inch culvert measuring 32 feet in length be placed across the right-of-way extending west from Freeland Avenue to the single family residence. A staff site

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inspection identified that the road has been constructed as identified above.

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 proposed road is located within public right-of-way and the property is located within the area addressed as a part of the Rapid City Comprehensive Plan requiring that the road construction be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

South Dakota Codified Law 11-6-19 requires that the proposed street be reviewed by the Rapid City Planning Commission. The City has reviewed the street construction for compliance with the City's standards. The road is classified as a lane/place road requiring a minimum 49 foot wide right-of-way and a 24 foot wide paved surface with curb, gutter, sidewalk, street light conduit, dry sewer and water. To date, road construction plans have not been submitted for review and approval. In addition, Freeland Avenue is currently a 40 foot wide right-of-way. As such, an additional 4.5 feet of right-of-way would have to be dedicated along the west lot line of the subject property if any platting occurred in the area.

The applicant should be aware that the City's Major Street Plan identifies a future minor arterial road within the vicinity of the proposed road. As future development occurs within the area, the exact location of the minor arterial road will be identified. Future development may require granting additional right-of-way and/or road reconstruction.

Staff is recommending that the 11-6-19 SDCL Review be denied as the proposed street construction does not comply with the City's standards.. The applicant may submit a new 11-6-19 SDCL Review application once road construction plans have been completed and submitted for review and approval.