

STAFF REPORT

March 27, 2003

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**No. 03SR021 - 11-6-19 SDCL Review to construct a driveway in a public right-of-way**      **ITEM 12**

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GENERAL INFORMATION:

PETITIONER	Reyelts Construction, Inc. for Marcia Beshara
REQUEST	<b>No. 03SR021 - 11-6-19 SDCL Review to construct a driveway in a public right-of-way</b>
EXISTING LEGAL DESCRIPTION	Tract 1 of SW1/4 NW1/4, Section 23, T1N, R7E, BHM and Lot B of Lot 1 of NE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 26.07 acres
LOCATION	Northwest of Fox Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Park Forest District/Neighborhood Commercial District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	Private water and on-site wastewater
DATE OF APPLICATION	2/28/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow the construction of a driveway in public right-of-way be approved with the following stipulations:

Fire Department Recommendations:

1. The driveway shall be constructed as a minimum 20 foot wide graveled roadway and maintained in a dust free manner at all times;
2. The driveway shall have an unobstructed vertical clearance of not less than 13 feet 6 inches;
3. The driveway grade shall not exceed sixteen percent as per the Street Design Criteria Manual;
4. A hammerhead turnaround to accommodate fire apparatus shall be constructed at the end of the driveway;

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#### Urban Planning Division Recommendations:

5. Prior to Planning Commission approval, the applicant shall sign a waiver of right to protest any future assessment for the installation of curb, gutter, sidewalk, street light conduit, sewer, water and paving for that portion of the driveway located within public right-of-way; and,
6. Upon issuance of a grading permit or a building permit, the first fifty feet of the driveway located outside of the public right-of-way shall be paved as per Chapter 17.50.270.1 of the Rapid City Municipal Code or a Variance from the Zoning Board of Adjustment shall be obtained;

#### GENERAL COMMENTS:

The applicant is proposing to construct an approximate 600 foot long driveway to serve as access to a future single family residence to be located on Lot B of Lot 1 of the above legally described property. The driveway will extend north from Fox Road. The first 200 feet of the driveway will be located within a section line highway.

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 driveway is to be located within public right-of-way and the property is identified as a part of the Rapid City Comprehensive Plan requiring that the proposed use be reviewed and approved by the Rapid City Planning Commission.

#### STAFF REVIEW:

Staff has reviewed the request and has identified the following considerations:

Road Construction Plans: The applicant is proposing to construct the driveway as a 15 foot wide road with a four inch graveled surface. The road is identified as a collector street on the Major Street Plan requiring that it be constructed with a 76 foot wide right-of-way and a 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water. The applicant has indicated that the road will function as a driveway to a single family residence and, as such, is requesting that the City waive the requirement to improve the road to collector street standards at this time.

On September 5, 2002, the Planning Commission approved a similar 11-6-19 SDCL Review request to construct a driveway within the Freeland Avenue right-of-way with the stipulation that the driveway be constructed as a twenty foot wide graveled road. In addition, on February 3, 2003, the City Council approved an appeal of the Planning Commission's action and allowed a gravel road within a section line highway located south of Catron Boulevard.

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The proposed driveway will serve as access exclusively to Lot B of Lot 1, a 14.78 acre parcel owned by the applicant. As such, it is anticipated that a minimal amount of traffic, or approximately 11 ADT (Average Daily Trips), will be generated. In addition, the east 200 feet of Fox Drive is a graveled roadway resulting in a discontinuous pavement section between the proposed driveway and the paved section of Fox Drive extending west off U.S. Highway 16. As such, staff is recommending that the proposed driveway be constructed as a 20 foot wide graveled road and maintained in a dust free manner at all times. Unlike the other two properties, the subject property is located within the City limits. As such, staff is recommending that the applicant sign a wavier of right to protest any future assessment for the installation of curb, gutter, sidewalk, street light conduit, sewer, water and the balance of the paving improvement for that portion of the driveway located within public right-of-way.

The Fire Department has indicated that the driveway must have an unobstructed vertical clearance of not less than 13 feet 6 inches. In addition, the driveway grade must not exceed sixteen percent as per the Street Design Criteria Manual. Even though the most northern terminus of the driveway is located outside of public right-of-way, the Fire Department has indicated that a hammerhead turnaround to accommodate fire apparatus must be constructed at the end of the driveway due to the length of the road. Staff is recommending that the proposed driveway be constructed as identified by the Fire Department.

Chapter 17.50.270.I: Chapter 17.50.270.I of the Parking Regulations states that the first fifty feet of a driveway located outside of public right-of-way to a single family residence must be paved. Upon issuance of a grading permit or a building permit, the first fifty feet of the driveway must be paved as identified or a Variance must be obtained from the Zoning Board of Adjustment to waive the requirement.

Comprehensive Plan: The Rapid City Comprehensive Plan identifies the appropriate land use for this area as residential. The construction of the road will serve as a driveway to a single family residence. Any future platting of the property will require that the road be constructed to City street design standards. Staff finds that the construction of the proposed road is consistent with the adopted Comprehensive Plan and recommends that the 11-6-19 SDCL Review be approved with the stipulations as outlined above.