

STAFF REPORT

July 24, 2003

No. 03SR025 - 11-6-19 SDCL Review to allow the construction of a road in the section line right-of-way **ITEM 24**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 03SR025 - 11-6-19 SDCL Review to allow the construction of a road in the section line highway
EXISTING LEGAL DESCRIPTION	The section line highway located in the NW1/4 of Section 29, T1N, R7E and the NE1/4 of Section 30, T1N, R7E, Red Rock Estates, Sections 29 and 30, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 33.92 acres
LOCATION	Along the extension of Prestwick Road
EXISTING ZONING	Low Density Residential District/General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Low Density Residential District/General Agriculture District
East:	Low Density Residential District/General Agriculture District
West:	Suburban Residential District (County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	03/14/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the **Planning Commission acknowledge the applicant's withdrawal of the SDCL 11-6-19 Review.**

GENERAL COMMENTS:

This item has been continued several times since the April 10, 2003 Planning Commission meeting to allow the applicant to obtain approval from the Pennington County Board of Commissioners to open the west half of the section line right-of-way. The Pennington County Planning Department has indicated that, to date, a request to open the section line right-of-way as identified has not been submitted for review and

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approval. On June 19, 2003, the applicant met with staff and proposed an alternate location for Prestwick Road, outside of the section line highway. On July 8, 2003, the applicant submitted a revised plat document showing the relocation of Prestwick Road as proposed. As such, the applicant has withdrawn the SDCL 11-6-19 Review application. Staff is recommending that the Planning Commission acknowledge the applicant's request to withdraw the SDCL 11-6-19 Review. This Staff Report has been revised as of July 14, 2003. All revised and/or added text is shown in bold print. Please note that no other part of this Staff Report has been revised.

The applicant is proposing to construct a street within the section line highway located on the above legally described property. The applicant has also submitted a Layout Plat to subdivide approximately 33.92 acres into 36 residential lots. The proposed street is identified as "Prestwick Road" on the associated Layout Plat. (See companion item #03PL26.) The subject property is located at the northern terminus of Prestwick Road and is currently void of any structural development.

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 street 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. (Please note that the portion of the street to be located within the east half of the section line right-of-way will be reviewed and approved as a part of a Preliminary and Final Plat in lieu of the SDCL 11-6-19 Review procedure.)

STAFF REVIEW:

The associated Layout Plat identifies that the northern 700 feet of Prestwick Road is to be located within a section line highway located along the west lot line of the subject property. The west half of the section line highway is located in Pennington County, outside of the City limits and under different ownership than the applicant. The Pennington County Highway Department has indicated that the Pennington County Board of Commissioners must review and approve a request to open that portion of the section line highway located outside of the City limits prior to Preliminary Plat approval or prior to approval of the associated SDCL 11-6-19 Review. In addition, the Pennington County Planning Department has indicated that a construction permit must be obtained from the County prior to the start of any construction of that portion of the road located outside of the City limits.