

STAFF REPORT

August 7, 2003

No. 03SR037 - 11-6-19 SDCL Review to construct a street in public right-of-way

ITEM 27

GENERAL INFORMATION:

PETITIONER	Hadcock Construction, Inc.
REQUEST	No. 03SR037 - 11-6-19 SDCL Review to construct a street in public right-of-way
EXISTING LEGAL DESCRIPTION	The section line highway located along the west side of the W1/2 SW1/4 NW1/4, Section 8, T1S, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40 acres
LOCATION	1/2 mile north of Highway 16 on Wilderness Canyon Road
EXISTING ZONING	General Agriculture District(County)
SURROUNDING ZONING	
North:	Low Density Residential District (County)
South:	General Agriculture District(County)
East:	General Agriculture District(County)
West:	Suburban Residential District (County)
PUBLIC UTILITIES	Private on-site water and wastewater
DATE OF APPLICATION	07/11/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

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

Fire Department Recommendations:

1. The driveway shall be constructed as a minimum 24 foot wide graveled roadway and maintained in a dust free manner at all times;
2. The driveway grade shall not exceed sixteen percent as per the Street Design Criteria Manual;
3. A hammerhead turnaround to accommodate fire apparatus shall be constructed at the end of the driveway;

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Pennington County Highway Department Recommendation:

4. Prior to the start of construction, the section line highway shall be opened by the Pennington County Board of Commissioners;
5. Prior to the start of construction, a construction permit shall be obtained from the Pennington County Planning Department;
6. Prior to the start of construction, an approach permit shall be obtained from the Pennington County Highway Department;
7. Prior to issuance of a building permit, a road name shall be submitted to the Emergency Services Communication Center for review and approval. In addition, a street sign shall be posted for the proposed street at the applicant's expense;

Urban Planning Division Recommendations:

8. 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 or section line highway; and,
9. The first fifty feet of the driveway as it extends north from Wilderness Canyon Road shall be paved.

GENERAL COMMENTS:

The applicant is proposing to construct an approximate 300 foot long driveway within a section line highway to serve as access to a future single family residence to be located on the above legally described property. The driveway will extend north from Wilderness Canyon Road.

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 a portion of the driveway within the section line highway as a 24 foot wide road with a four inch graveled surface. 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 City street design standards.

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On March 27, 2003 and on September 5, 2002, the Planning Commission approved two similar 11-6-19 SDCL Review requests to construct a driveway within section line highways with the stipulation that the driveway(s) be graveled and that a waiver of right to protest any future assessment for the improvements be signed by the property owner(s). 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.

The proposed driveway will serve as access exclusively to a forty 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. Staff is recommending that the applicant sign a waiver 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 grade must not exceed sixteen percent as per the Street Design Criteria Manual. Even though the most eastern 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.

Pennington County Highway Department: The Pennington County Highway Department has indicated that prior to the start of construction the section line highway must be opened by the Pennington County Board of Commissioners. In addition, a construction permit and an approach permit must be obtained from the Pennington County Highway Department and the Pennington County Planning Department, respectively, prior to the start of construction. The Pennington County Highway Department has also indicated that prior to issuance of a building permit, a road name must be submitted to the Emergency Services Communication Center for review and approval and a street sign must be posted accordingly.

Engineering Division: Chapter 17.50.270.1 of the Municipal Code states that the first fifty feet of a driveway to a single family residence must be paved. As such, staff is recommending that the first fifty feet extending north from Wilderness Canyon Road be paved.

Staff recommends that the 11-6-19 SDCL Review be approved with the stipulations as outlined above.