

STAFF REPORT

August 21, 2003

**No. 03SR039 - 11-6-19 SDCL Review to allow construction of street
in a public right-of-way**

ITEM 15

GENERAL INFORMATION:

PETITIONER	Renner and Sperlich Engineering Co. for Werner Construction LLC
REQUEST	No. 03SR039 - 11-6-19 SDCL Review to allow construction of street in a public right-of-way
EXISTING LEGAL DESCRIPTION	Lot 17R and 18 of Block 4, Fox Run Subdivision located in the NW1/4 NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.33 acres
LOCATION	At the west end of Fox Run Drive
EXISTING ZONING	Low Density Residential District w/Planned Residential Development
SURROUNDING ZONING	
North:	General Commercial District w/Planned Commercial Development
South:	Low Density Residential District
East:	Medium Density Residential District w/Planned Residential and Office Commercial District w/Planned Commercial Development
West:	Office Commercial w/Planned Commercial Development
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	08/08/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

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

Fire Department Recommendations:

1. The driveway shall have an unobstructed vertical clearance of not less than 13 feet 6 inches;
2. All portions of the driveway shall be constructed with an all weather surface;

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Urban Planning Division Recommendations:

3. The driveway shall be constructed as a minimum 20 foot wide roadway and maintained in a dust free manner at all times; and,
4. 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.

GENERAL COMMENTS: The applicant is seeking approval for the location of a driveway in a section line highway. The proposed driveway will be 211 feet long with a 57 foot long hammerhead turnaround located on Lot 18. Currently, there is a 211 foot existing driveway at the site extending the length of Lot 17R. The proposed access way will service Lots 17R and 18. The proposed access way is the future location of a service road serving U.S. Highway 16.

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 section line highway is publicly owned. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission as a part of an 11-6-19 SDCL Review.

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

Road Construction: There is an existing asphalt access way located at this location. The applicant has indicated that the, "driveway construction with regards to width, slope, materials and turnaround shall be in accordance with current Rapid City Street Criteria Manual, Building Codes, Standard Details and Specifications, and Fire Department Standards.

Since this proposed driveway is going to be located within a public right-of-way, staff is recommending that the applicant sign a waiver-of-right to protest any future improvements to the area rather than constructing a road to the standards of the street design criteria manual at this time. The waiver of right to protest future improvements would include paving, sidewalks, curb and gutter, street light conduit, sewer, and water.

Emergency Vehicle Access: 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. The Fire Department has also indicated that the hammer head turnaround shown on the submitted site plan is in compliance with the Uniform Fire Code.

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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 two single family residences. Any future platting of the property will require that the road be constructed to City street design standards.

Staff is recommending that the proposed request be approved with the stated stipulations. Staff notes that 11-6-19 South Dakota Codified Law Reviews do not require direct notification of neighboring property owners. In addition, South Dakota Codified Law does not require that 11-6-19 South Dakota Codified Law reviews be advertised in a local newspaper.