

STAFF REPORT
November 24, 2004

No. 04SR059 - 11-6-19 SDCL Review to allow the relocation of a fence and to allow a portion of City property to be incorporated into the adjacent right-of-way **ITEM 41**

GENERAL INFORMATION:

PETITIONER	Centerline, Inc. for 3 T's Land Development LLC
REQUEST	No. 04SR059 - 11-6-19 SDCL Review to allow the relocation of a fence and to allow a portion of City property to be incorporated into the adjacent right-of-way
EXISTING LEGAL DESCRIPTION	Tract R in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 21.0 acres
LOCATION	West of the intersection of 5th Street and Minnesota Street
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential District w/Planned Development Designation
South:	Low Density Residential District w/Planned Development Designation
East:	Low Density Residential District w/Planned Development Designation
West:	Low Density Residential District w/Planned Development Designation
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/28/2004
REVIEWED BY	Vicki L. Fisher / Curt Huus

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow the relocation of a fence and to allow a portion of City property to be incorporated into the adjacent right-of-way be approved with the following stipulations:

1. Prior to Planning Commission approval, the applicant shall enter into an agreement with the City to allow the Minnesota Street extension to occupy a portion of the City reservoir lot; and,
2. The relocated fence shall be constructed in the same design and elevation as the

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existing fence.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to allow the relocation of a fence on the City's reservoir lot and to allow a portion of the reservoir lot to be incorporated into the adjacent right-of-way for Minnesota Street.

On November 4, 2004, the Planning Commission approved a Preliminary Plat to subdivide the subject property into 17 residential lots and to reconfigure the City's reservoir lot as identified above. The City Council will consider this item at their December 6, 2004 City Council meeting.

Currently, a water reservoir is located on the reservoir lot and is owned by the City. The 17 residential lots are proposed as a part of the Minnesota Ridge Heights Subdivision.

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". As previously indicated, the reservoir lot is owned by the City and is identified as a part of the Rapid City Comprehensive plan requiring that the proposed relocation of fence and subsequent change in public land use be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Reservoir Lot: On September 7, 2004, the City Council directed staff to "prepare an agreement with the owners of Minnesota Ridge Phase 4 to allow Minnesota Street to occupy a portion of the City property containing the existing reservoir". To date, the agreement has not been prepared. As such, staff is recommending that prior to Planning Commission approval, the applicant must enter into an agreement with the City to allow the Minnesota Street extension to occupy a portion of the City reservoir lot.

Fence: The existing fence located around the reservoir lot consists of an eight foot high chain link fence with security wire around the top. The applicant has indicated that the same design and elevation of fence will be relocated to the north of the reservoir lot. As such, staff is recommending that the proposed fence be constructed as identified.

Based on compliance with the stipulations identified above, staff recommends approval of the SDCL 11-6-19 request.