

STAFF REPORT
January 6, 2005

No. 04SR069 - SDCL 11-6-19 Review to allow construction of a street in a section line highway and to extend public utilities **ITEM 18**

GENERAL INFORMATION:

PETITIONER	Centerline for Lazy P-6 Land Co., Inc.
REQUEST	No. 04SR069 - SDCL 11-6-19 Review to allow construction of a street in a section line highway and to extend public utilities
EXISTING LEGAL DESCRIPTION	Government Lots 1 and 2 less Lot 1, North 80 subdivision and less Lot H2 of Government Lot 2 and less right-of-way all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	between Catron Boulevard and Elk Vale Road
EXISTING ZONING	Low Density Residential District/Medium Density Residential/ Office Commercial/
SURROUNDING ZONING	
North:	General Agricultural District
South:	Penning County Zoning
East:	General Agricultural District
West:	General Agricultural District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/17/2005
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to construct a street in a section line highway and to extend public utilities be approved with the following stipulations:

1. That Parkview Drive shall be constructed in compliance with the approved construction plans; and,
2. An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre.

GENERAL COMMENTS:

The applicant is proposing to construct approximately 700 feet of Parkview Street within a section line highway located along the west lot line of the above legally described property. In addition, the applicant has indicated that City sewer and water will be extended within this area of Parkview Drive. The property is located at the southern terminus of Parkview Drive on the east side of the street and is currently void of any structural development.

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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 extend thereof shall have been submitted to and approved by the Planning Commission". The applicant is proposing to extend public utilities. In addition, 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.

STAFF REVIEW:

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

Road Construction Plans: Parkview Drive is classified as a collector street on the City's Major Street Plan requiring that the street be located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has submitted road construction plans for Parkview Drive which show the construction of a 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water as required. The applicant should be aware that upon platting of the adjacent property, an additional five feet of right-of-way must be dedicated. Staff is recommending that Parkview Drive be constructed in compliance with the approved construction plans.

Air Quality: The Air Quality Division has indicated that the subject property is located within the Air Quality Control Zone. An Air Quality Permit will be needed prior to any construction and/or development resulting in a surface disturbance in excess of one acre for that area of the property located within the Air Quality Control Zone.

Comprehensive Plan: The Rapid City Comprehensive Plan identifies the appropriate land use for this area as residential. The construction of the proposed street will serve the needs of the area as it develops and/or redevelops. Staff finds that the construction of the proposed street is consistent with the adopted Comprehensive Plan and recommends that the 11-6-19 SDCL Review be approved with the stipulations as outlined above.