

STAFF REPORT
April 21, 2005

No. 05SR015 - SDCL 11-6-19 Review to allow the construction of a public street on public property **ITEM 12**

GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST	No. 05SR015 - SDCL 11-6-19 Review to allow the construction of a public street on public property
EXISTING LEGAL DESCRIPTION	Unplatted land located in the NE1/4 SW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Tract 1 and 2 and dedicated right-of-way, McMahan Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.64 Acres
LOCATION	At the southern terminus of Kyle Street
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Low Density Residential - II District
South:	Public District
East:	Low Density Residential District
West:	Public District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/24/2005
REVIEWED BY	Todd Tucker / Bob Dominicak

RECOMMENDATION:

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

1. Prior to construction, the street design plan shall be revised to show a future road connection extending from McMahan Drive to the south and the extension of McMahan Drive to the west;
2. Construction plans for McMahan Drive and Kyle Street shall be submitted for review and approval prior to construction. In particular, the construction plans shall show McMahan Drive located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained;

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3. The construction plans for Kyle Street shall show Kyle Street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained;
4. The southern extension of the water main from the southern terminus of Kyle Street shall be coordinated with the location of the existing overhead transmission line pole;
5. The applicant shall include an analysis of the water main corrosion potential and appropriate protective measures to be taken with the construction plans;
6. A drainage plan shall be submitted for review and approval, including topography and a sediment and erosion control plan prior to construction;
7. A drainage plan shall be submitted for review and approval demonstrating that run-off from the property will not be discharged at rates that exceed the pre-developed flow rates prior to construction. In addition, the drainage plan shall demonstrate that the drainage does not exceed the capacity of downstream facilities;
8. All applicable provisions of the International Fire Code shall be continually met;
9. Prior to Planning Commission approval, a subdivision cost estimate shall be submitted for review and approval; and,
10. Prior to Planning Commission approval, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

GENERAL COMMENTS: The subject property is located west of Haines Avenue between Northridge Drive and Mall Drive at the southern terminus of Kyle Street. The subject property is currently owned by the Rapid City School District and is void of any structural development. The applicant is requesting approval of an SDCL 11-6-19 Review to allow the construction of a public street on public property.

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 will serve as a public right-of-way and is located on public property requiring that the proposed construction be reviewed and approved by the Rapid City Planning Commission as a part of a SDCL 11-6-19 Review as the property is not being platted.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review and has noted the following issues:

Zoning: The property is currently zoned Public District and is the future location of a new elementary school. Public schools are a permitted use in the Public District. However, the applicant has indicated that a land swap is possible between the School District and the land owner to the east for some of the subject property. If a portion of the subject property is transferred to a private land owner for the purpose of being developed with residential

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structures, that portion of the property currently zoned Public District must be rezoned to a zoning district which would support residential structures.

Tax Increment Financing District: The property in question is located in Tax Increment District #36. The applicant is requesting a revision to the Tax Increment Project Plan to use Tax Increment funds to pay for the design and construction of this road rather than a previously proposed road from the south.

Design Plan: The applicant has submitted three proposed street layouts for the subject property and the property to the east. The property to the east of the subject is privately owned. A Preliminary Plat application (05PL055) has also been submitted to subdivide the parcel into two tracts and create a public right-of-way. The proposed public right-of-way will connect to Kyle Street which is located north of the subject property. The applicant indicated that the School District has discussed the three proposals and has decided on the option that shows McMahan Drive extending west through the School property. Staff will be meeting with the Parks and Recreation Director and a representative from the School District on April 18, 2005 to confirm that information. Prior to construction, the street design plan must be revised to show a future road connection extending from McMahan Drive to the south and the extension of McMahan Drive to the west.

McMahan Drive/Kyle Street: Prior to construction, construction plans for McMahan Drive and Kyle Street must be submitted for review and approval. In particular, the construction plans must show McMahan located in a minimum 68 foot wide right-of-way and constructed with a minimum 32 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. Staff also noted that the construction plans for Kyle Street must show Kyle Street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained.

Staff also noted that the southern extension of the water main from the southern terminus of Kyle Street must be coordinated with the location of the existing overhead transmission line pole. Also, the applicant must include an analysis of the water main corrosion potential and appropriate protective measures to be taken.

Drainage: Staff noted that no drainage plan was submitted with the application. Prior to construction, a drainage plan must be submitted for review and approval, including topography and a sediment and erosion control plan.

Staff also noted that the subject property is located within the Box Elder Creek Drainage Basin. Development will increase the rate and quantity of runoff flows on the subject property. Prior to construction, a drainage plan must be submitted for review and approval demonstrating that run-off from the property will not be discharged at rates that exceed the pre-developed flow rates. Staff also noted that the drainage plan must demonstrate that the drainage does not exceed the capacity of downstream facilities.

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Fire Protection: Staff noted that the proposed streets must be constructed as per the City Street Design Criteria Manual and the 2003 International Fire Code appendix.

Staff is recommending approval of the SDCL 11-6-19 Review with the above stated stipulations.