

STAFF REPORT  
January 26, 2006

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**No. 05SR066 - SDCL 11-6-19 Review to obtain Right-of-Way and reconstruct a portion of a street**      **ITEM 20**

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GENERAL INFORMATION:

PETITIONER	Tom Horan and Graham Smith for the South Dakota Department of Transportation
REQUEST	<b>No. 05SR066 - SDCL 11-6-19 Review to obtain Right-of-Way and reconstruct a portion of a street</b>
EXISTING LEGAL DESCRIPTION	Mountain View Road Right-of-Way located south of Omaha Street and north of Jackson Boulevard
PARCEL ACREAGE	Approximately 10 Acres
LOCATION	Mountain View Road Right-of-Way located south of Omaha Street and north of Jackson Boulevard
EXISTING ZONING	General Commercial District - Shopping Center-2 District - Park Forest District - Medium Density Residential District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	Shopping Center-2 District - Park Forest District - Medium Density Residential District
PUBLIC UTILITIES	City water, sewer
DATE OF APPLICATION	12/8/2005
REVIEWED BY	Mike Maxwell / Bob Dominicak

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to obtain Right-of-Way and reconstruct a portion of a street be approved with the following stipulations:

1. Prior to the start of construction, drainage information for flows into the detention pond and the drainage facilities design shall be submitted for review and approval. The design shall be coordinated with the City of Rapid City Drainage Criteria Manual; and;
2. Removal of landscaping shall be allowed as needed. However, at such time as a change of use/or expansion of use occurs on the affected properties the landscaping shall be modified, if needed, to comply with the City's adopted Landscaping Regulations.

GENERAL COMMENTS: The South Dakota Department of Transportation has proposed a reconstruction project for a portion of Mountain View Road. The project will involve removing

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and replacing pavement, upgrading signals, adding turning lanes, adding new curb, gutter and sidewalks on that portion of Mountain View Road between Omaha Street and Jackson Boulevard including part of West Main Street.

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 proposed construction will be located on publicly owned land requiring that the Planning Commission review and approve the proposed construction.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Landscaping: Staff has noted that the expansion of right-of-way by the South Dakota Department of Transportation will remove approved landscaping from the current businesses along Mountain View Road causing the business to no longer meet the landscaping requirements. Staff has noted that the businesses will be allowed to continue without the required landscaping until such time as the business expands or a change of use on the property occurs. At such time the landscaping on the effected properties must be brought into compliance with the landscaping ordinance as need.

Drainage: Prior to start of construction, drainage information for flows into the detention pond and the drainage facilities design must be submitted for review and approval. The design must be coordinated with the City of Rapid City Drainage Criteria Manual.

Staff recommends the SDCL 11-6-19 Review be approved with the above stated stipulations.