

STAFF REPORT

April 6, 2006

No. 06SR020 - 11-6-19 SDCL Review to construct a public street with public utilities **ITEM 17**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 06SR020 - 11-6-19 SDCL Review to construct a public street with public utilities
EXISTING LEGAL DESCRIPTION	The unplatted portion of the NE1/4, less Lot H2 and less right-of-way, Section 33, T2N, R8E, BHM; and Tract A of Lot 5 of K-W Subdivision and Railroad Land, located in the SW1/4 SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.78 acres
LOCATION	North Elk Vale Road
EXISTING ZONING	Light Industrial District - General Agriculture District - General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District - General Commercial District
South:	Medium Density Residential District - General Commercial District
East:	General Commercial District - Low Density Residential District (Planned Development Designation)
West:	Light Industrial District - General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/10/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to construct a public street with public utilities be approved with the following stipulations:

1. Prior to the start of construction, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. Prior to the start of construction, the Eglin Street right-of-way shall be dedicated as a part of a Preliminary and Final Plat or as an "H" Lot; and,
3. An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre.

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GENERAL COMMENTS:

The applicant has submitted an SDCL 11-6-19 Review to construct Eglin Street from the intersection of Lowry Lane to Elk Vale Road, a distance of approximately 2,600 feet. In particular, the construction plans show the installation of a 36 foot wide paved surface with curb, gutter, street light conduit, water and sewer.

The property is located directly west of the intersection of Cheyenne Boulevard and N. Elk Vale Road and is currently void of any structural development.

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, utility and drainage extensions are public improvements and the property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW:

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

Street Improvement(s): The construction plans currently show the construction of a 36 foot wide paved section with curb, gutter, street light conduit, water and sewer. Staff is recommending that prior to the start of construction, all necessary changes be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings must be returned to the Growth Management Department.

Right-of-way/H-Lots: To date, the right-of-way for this portion of Eglin Street has not been dedicated. As such, staff is recommending that prior to the start of construction, the right-of-way must be dedicated as a part of a Preliminary and Final Plat or as an "H" Lot.

Staff is recommending that the SDCL 11-6-19 Review be approved with the stipulations as identified above.