

## STAFF REPORT

May 4, 2006

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### **No. 06SR030 - SDCL 11-6-19 Review to allow improvements in the public right-of-way** **ITEM 34**

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#### GENERAL INFORMATION:

PETITIONER	Fisk Land Surveying & Consulting Engineers, Inc. for Tom Collins
REQUEST	<b>No. 06SR030 - SDCL 11-6-19 Review to allow improvements in the public right-of-way</b>
EXISTING LEGAL DESCRIPTION	Harter Drive Right-of-Way adjacent to the south 237 feet of Lot 5 of the NW1/4 NE1/4, Harter Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .46 acres
LOCATION	2326 Canyon Lake Drive
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Flood Hazard District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water, sewer
DATE OF APPLICATION	4/6/2006
REVIEWED BY	Mike Maxwell / Bob Dominicak

#### RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow improvements in the public right-of-way be approved with the following stipulations:

1. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red line drawings. In addition, the red line drawings shall be returned to the Growth Management Department;
2. Prior to the start of construction all appropriate permits shall be obtained;
3. Prior to initiation of construction information shall be submitted demonstrating that the disturbed area is located outside of the flood hazard area or a Flood Plain Development Permit shall be obtained;
4. Prior to Planning Commission approval, a geotechnical report including pavement design, typical section and soil resistivity shall be submitted for review and approval; and,

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5. Prior to Planning Commission approval, a revised plan shall be submitted demonstrating that the minimum 35 foot separation requirement is being met or an exception to the Street Design Criteria Manual to allow the approaches closer than 35 feet shall be obtained.

GENERAL COMMENTS: The applicant has submitted a request for an SDCL 11-6-19 SDCL Review to construct street improvements within the Harter Drive right-of-way. The property is located adjacent to the south 237 feet of Lot 5 of the NW1/4 NE1/4, Harter Subdivision, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More generally identified as 2326 Canyon Lake Drive.

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:

Permits: Prior to the start of construction a Right-of-Way permit and a Grading Permit must be obtained. In addition, the property is located in close proximity to the Rapid Creek Flood Plain. Prior to initiation of construction information shall be submitted demonstrating that the disturbed area is located outside of the flood hazard area or a Flood Plain Development Permit shall be obtained.

Geotechnical Report: Staff noted that no geotechnical report was submitted with the SDCL 11-6-19 Review. As such, prior to SDCL 11-6-19 Review approval by the Planning Commission a geotechnical report including pavement design, typical section and soil resistivity shall be submitted for review and approval.

Approaches: Staff noted that the site plan showed the distance between the approaches to be less than the 35 feet as required by the Street Design Criteria Manual. As such, prior to Planning Commission approval, a revised site plan shall be submitted demonstrating that the approaches meet the minimum 35 foot separation requirement or an exception to the Street Design Criteria Manual to allow the approaches closer than 35 feet shall be obtained.

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