

STAFF REPORT
January 4, 2007

No. 06SR083 - SDCL 11-6-19 Review to allow the construction of a bike path on public property **ITEM 15**

GENERAL INFORMATION:

PETITIONER	Thomas P. Horan for South Dakota Department of Transportation
REQUEST	No. 06SR083 - SDCL 11-6-19 Review to allow the construction of a bike path on public property
EXISTING LEGAL DESCRIPTION	Tract 17 of Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 59 acres
LOCATION	1520 W. Omaha Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District - General Agriculture District - Office Commercial District (Planned Commercial Development)
South:	General Commercial District - Flood Hazard District - Light Industrial District
East:	General Commercial District - Flood Hazard District - General Commercial District (Planned Commercial Development)
West:	Light Industrial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/4/2006
REVIEWED BY	Karen Bulman / Todd Peckosh

RECOMMENDATION:

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

1. The bike path shall be constructed of concrete material;
2. A Floodplain Development permit shall be obtained for any construction located in the 100 Year Federally Designated Floodplain;
3. A Right-of-way Permit shall be obtained prior to construction of the bike path within the section line highway;
4. Prior to start of construction, the construction plans for the bike path including the location of existing utilities shall be submitted for review and approval.

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GENERAL COMMENTS: The subject property is located at 1520 West Omaha Street. The subject property is currently zoned Flood Hazard District. The property located north of the subject property is zoned Park Forest District, General Agriculture District, and Office Commercial District with a Planned Commercial Development. Property located south of the subject property is zoned General Commercial District, Flood Hazard District, and Light Industrial District. The property located east of the subject property is zoned Flood Hazard District, General Commercial District, and General Commercial District with a Planned Commercial Development. The property located west of the subject property is zoned Light Industrial District. The area proposed for a bike path will be located east and north of a commercial structure and an existing parking lot.

On January 26, 2006, the Planning Commission approved the SDCL 11-6-19 Review (05SR066) for the reconstruction of Mt. View Road between Jackson Boulevard and Omaha Street. As part of the Mt. View Road reconstruction project, the South Dakota Department of Transportation is now proposing to construct approximately 210 feet of an eight foot wide sidewalk in the Greenway Tract north of the intersection of Omaha Street and Mt. View Road. The sidewalk will extend north from the intersection to the existing bike bath located south of Rapid Creek. The applicant is requesting approval of a SDCL 11-6-19 Review to allow a bike path to be constructed 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". As previously indicated, the applicant is requesting that a bike path be constructed on public property requiring that the Planning Commission review and approve the proposed construction.

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

Bike path: The proposed bike path that will provide better continuity to the existing bike path along Rapid Creek and allow better access to parts of the City. The type of construction, asphalt or concrete, has not been determined by the South Dakota Department of Transportation. However, staff recommends that the bike path be required to be constructed of concrete to provide fewer maintenance issues and better durability. Prior to start of construction, the construction plans, including the location of any existing utilities, shall be submitted for review and approval.

Floodplain: The bike path area will predominantly be located within the 500 year Floodplain. A small portion on the north side of the proposed bike path is located in the 100 year Federally Designated Floodplain. A Floodplain Development Permit shall be obtained for any construction within the 100 year Federally Designated Floodplain prior to initiation of construction.

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Right-of-way: The northern 40 feet of the proposed bike path is located within the section line highway. As such, prior to any construction, a right-of-way permit shall be obtained for any work to be done within the section line highway.

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a bike path on public property be approved with the stipulations as stated.

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