

STAFF REPORT  
February 7, 2008

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**No. 07SR056 - SDCL 11-6-19 Review to improve Kirkeby Lane**

**ITEM 28**

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GENERAL INFORMATION:

APPLICANT	Fischer Furniture, Inc.
AGENT	Steve Thingelstad for Britton Engineering & Land Surveying, Inc.
PROPERTY OWNER	FFF2, LLC
REQUEST	<b>No. 07SR056 - SDCL 11-6-19 Review to improve Kirkeby Lane</b>
EXISTING LEGAL DESCRIPTION	Kirkeby Lane Right-of-way adjacent to Tracts FW-1 and FW-2 of FW-1 Addition, and Lots 8 thru 14 of Log Cabin Park Subdivision, Section 35, T2N, R7E, and Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.15 Acres
LOCATION	1830 W. Main Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/9/2007
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

**Staff recommends that the SDCL 11-6-19 Review to improve Kirkeby Lane be continued to the February 21, 2008 Planning Commission meeting to allow City Council to take action on the associated Vacation of Right-of-Way.**

GENERAL COMMENTS: (Update January 30, 2008. All revised text is shown in bold.)

**This item was continued to the February 7, 2008 Planning Commission meeting to allow the City Council to take action on the Vacation of Right-of-Way request. The Vacation of Right-of-Way request will be considered at the February 4, 2008 City Council meeting. As such, staff recommends that the SDCL 11-6-19 Review be continued to the February 21, 2008 Planning Commission meeting to allow the City**

**Council to take action on the Vacation of Right-of-Way request.**

On December 14, 2007 the applicant submitted a Vacation of Right-of-Way request (#07VR015) for a portion of Kirkeby Lane so the area may be treated as an internal driveway and not have to meet the requirements of the Rapid City Street Design Criteria Manual.

The applicant is requesting approval of a SDCL 11-6-19 Review to allow improvements to Kirkeby Lane. The proposed project is located north of West Main Street between Mountain View Road and Cross 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". This is a publicly owned land requiring that the Planning Commission review and approve the proposed improvements.

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 issues:

Kirkeby Lane: Staff noted that Kirkeby Lane is classified as a commercial/industrial street requiring that the street be located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit, sidewalk, water and sewer. Currently, this portion of Kirkeby Lane is located in a 30 foot wide right-of-way and is constructed with an approximate 20 foot wide gravel surface.

The applicant is proposing to construct a paved surface ranging in width from twelve feet to sixteen feet with curb and gutter on the west side of the street.

The proposed street does not comply with the adopted minimum requirements for a commercial/industrial street. In addition, the proposed paved surface does not comply with the minimum 20 foot wide access requirement contained in the International Fire Code. As such, staff is recommending that this item be continued to the January 10, 2008 Planning Commission meeting to allow the applicant to submit revised plans demonstrating compliance with the City's minimum width requirements for review and approval. Alternatively, the applicant may wish to pursue a Vacation of Right-of-Way request for this portion of Kirkeby Lane so that the area may be treated as an internal driveway.

On December 14, 2007 the applicant submitted a Vacation of Right-of-Way request (#07VR015) for a portion of Kirkeby Lane so the area may be treated as an internal driveway and not have to meet the requirements of the Rapid City Street Design Criteria Manual. As such, staff recommends that the SDCL 11-6-19 Review to improve Kirkeby Lane be continued to the January 24, 2008 Planning Commission meeting to allow City Council to take action on the associated Vacation of Right-of-Way.

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Special Exception: As previously indicated Kirkeby Lane is classified as a commercial/industrial street requiring that the street be constructed with a minimum 26 foot wide paved surface per Section 2 of the Rapid City Street Design Criteria Manual. The applicant is proposing a driveway opening along the east side of Kirkeby Lane in excess of the 28 foot wide driveway opening allowed for a commercial development per Section 8.2.1 of the Rapid City Street Design Criteria Manual. As such, staff recommends that this item be continued to the January 10, 2008 Planning Commission meeting to allow the applicant to obtain the required Special Exception, to submit revised construction plans in accordance with the adopted standard for review and approval or to obtain approval of a Vacation of Right-of-Way request for this portion of Kirkeby Lane.