

STAFF REPORT
October 9, 2008

No. 08SR075 - SDCL 11-6-19 Review to allow improvements in a public right-of-way ITEM 47

GENERAL INFORMATION:

APPLICANT	Tom Farrar
AGENT	Doug Sperlich for Sperlich Consulting, Inc.
PROPERTY OWNER	Tom Farrar
REQUEST	No. 08SR075 - SDCL 11-6-19 Review to allow improvements in a public right-of-way
EXISTING LEGAL DESCRIPTION	Lot B of Lot 1 of the NW1/4 of the SW1/4 less Lot H1 and Lot H2, located in the NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximatley 0.79 acres
LOCATION	Northeast of the intersection of North Campbell Street and East North Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District - Light Industrial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/29/2008
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow improvements in a public right-of-way be denied without prejudice.

GENERAL COMMENTS: **(Update: September 30, 2008. All revised and/or added text is shown in bold). This item was continued to the October 9, 2008 Planning Commission meeting at the applicant's request. To date the applicant has not submitted any additional information. As such, staff recommends that this item be denied without prejudice.**

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The applicant has submitted a SDCL 11-6-19 Review to construct a service road located within the E. North Street right-of-way. The street is located northwest of the intersection of Century Road and E. North Street along the north side of the E. North Street right-of-way. The street will serve as access to a property that is zoned General Commercial and is currently undeveloped.

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 improvement is a public improvement 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:

East North Street Right-of-Way: The applicant is proposing to construct access to the property from a service road starting at Century Road and running parallel to East North Street. In addition, the applicant is proposing to construct access to the southwest corner of the property by crossing a portion of the East North Street Right-of-Way. However, the geometrics of the proposed access to the southwest corner of the property do not meet the requirements of the Rapid City Street Design Criteria Manual and the proposed service road would preclude the future expansion of East North Street. As such, staff recommends that the SDCL 11-6-19 Review request be denied without prejudice to allow the applicant to revise the construction plans and provide a driveway perpendicular to East North Street with right-in and right-out access. In addition, staff notes that a South Dakota Department of Transportation Right-of-Way Approach Permit and a Permit to work in the Right-of-Way would be required prior to construction of any improvements within the East North Street Right-of-Way.

Staff is recommending that the SDCL 11-6-19 Review be denied without prejudice.