

STAFF REPORT  
November 20, 2008

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**No. 08SR080 - SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Eglin Street**

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**ITEM 40**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
AGENT	Ferber Engineering Co., Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 08SR080 - SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Eglin Street</b>
EXISTING LEGAL DESCRIPTION	Lot X and the vacated Section Line, Section 29, T2N, R8E, Lots 1 and 2 of Carefree Subdivision, Section 32, T2N, R8E and adjacent East North Street and Eglin Street Rights-of-way, BHM, Rapid City, Pennington County, South Dakota
LOCATION	South of South Dakota Department of Transportation Office Complex between East North Street and Dyess Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/12/2008
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Eglin Street be **approved with the acknowledgement that the right-of-way width for Eglin Street within the previously vacated section line highway is hereby reduced from 100 feet to 87.75 feet and 78.75 feet, respectively.**

GENERAL COMMENTS:

**(Update, November 7, 2008. All revised and/or added text is shown in bold print.)**  
**This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet.**

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**Staff is recommending that this item be approved as noted above.**

(Update, October 24, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 23, 2008 Planning Commission meeting to allow the applicant to address red line comments on the construction plans and to allow staff time to review the revised plans. Subsequently, the applicant has submitted revised plans and staff has reviewed and approved the plans. As such, staff is recommending that the SDCL 11-6-19 Review to allow the acquisition of right-of-way and the construction of Eglin Street be approved.

(Update, October 10, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 9, 2008 Planning Commission meeting to allow the applicant to submit additional information as outlined below. To date, the information has not been submitted for review and approval. As such, staff is recommending that the Preliminary Plat be continued to the November 6, 2008 Planning Commission meeting to allow the applicant to submit the information.

The applicant has submitted a SDCL 11-6-19 Review to allow the acquisition of right-of-way and the construction of Eglin Street. In particular, the applicant is proposing to construct Eglin Street from E. North Street along a previously vacated section line highway and to reconstruct a portion of the existing north-south leg of Eglin Street.

Currently, Eglin Street extends west from Elk Vale Road approximately 6,700 feet in an east west alignment. The street then turns south connecting with the intersection of E. Anamosa Street and N. Creek Drive. The applicant is proposing to extend the east-west leg of Eglin Street east approximately 600 feet to connect with E. North Street. This new street will align with the recently constructed section of Eglin Street located west of E. North Street within the Rushmore Crossing development and will connect Eglin Street from LaCrosse Street to Elk Vale Road.

The applicant is also proposing to reconstruct a portion of the south leg of Eglin Street to create a "T" intersection with the new street. The south leg of Eglin Street will be renamed N. Creek Drive since it extends south and connects with N. Creek Drive at the E. Anamosa street intersection. (For purposes of clarification, this leg of the street will be referenced "N. Creek Drive" in the Staff Report.)

The property is located south of the South Dakota Department of Transportation office complex between E. North Street and Dyess Avenue. Currently, the property is 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 acquisition of right-of-way and construction of Eglin Street is a public improvement. In addition, the property is identified as being located within the area

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covered by the Rapid City Comprehensive Plan requiring that the improvement be reviewed and approved by the Rapid City Planning Commission.

**STAFF REVIEW:**

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

**Eglin Street:** Eglin Street is classified as a minor arterial street on the City's Major Street Plan requiring that it be located within a 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The construction plan shows the construction of five 12 foot wide lanes from E. North Street east approximately 290 feet. The balance of the street is shown as three 12 foot wide paved lanes. The construction plans also show the construction of curb, gutter, sidewalk, street light conduit, water and sewer along Eglin Street.

Existing Eglin Street, in its current location, is located within a 150 foot wide right-of-way. The applicant has indicated that an 87.75 foot wide to 78.75 foot wide right-of-way is currently being obtained from the two properties adjacent to the previously vacated section line highway. Additional right-of-way along this section of the street could not be obtained due to existing development on the National Relief Charities property and existing and proposed development on the South Dakota Department of Transportation property. The construction plans show all of the improvements with the proposed 87.75 foot wide to 78.75 foot wide right-of-way. As such, staff is recommending that the right-of-way for Eglin Street within the previously vacated section line highway be hereby reduced from 100 feet to 87.75 feet and 78.75 feet, respectively. The applicant should be aware that prior to the start of construction, right-of-way for the street improvement must be secured either through the Preliminary and Final Plat process or as H Lot(s).

**Staff is recommending that the SDCL 11-6-19 Review to allow the acquisition of right-of-way and construction of Eglin Street be approved with the acknowledgement that the right-of-way width for Eglin Street within the previously vacated section line highway is hereby reduced from 100 feet to 87.75 feet and 78.75 feet, respectively. In particular, the first 135 feet of Eglin Street right-of-way extending east from E. North Street is hereby reduced from 100 feet to 87.75 feet and the next 155 feet as it extends east is hereby reduced from 100 feet to 78.75 feet.**

**N. Creek Drive:** As previously indicated, the construction plans show that portion of Eglin Street located south of the previously vacated section line highway, redesigned to "T" into that portion of Eglin Street being extended east from E. North Street. In addition, the construction plans show this portion of the street as "N. Creek Drive". The street is classified as a commercial street requiring that it be located within a minimum 59 foot wide right-of-way and constructed with a 26 foot wide paved surface. The construction plans show the street located within an existing 150 foot wide right-of-way and constructed with two 12 foot wide lanes and with a turn lane at the intersection with the new Eglin Street.

As previously indicated, a street name change request must be reviewed and approved by the City to change that portion of Eglin Street located south of the previously vacated section line highway to N. Creek Drive. In addition, the street name change request must be

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coordinated with this construction project to ensure that it is approved in conjunction with the completion of the street project. Public Works Department staff has indicated that the street project will begin in the fall of 2009 and completed in the winter of 2010.

Driveway Design: As a part of this project, the applicant is proposing to reconstruct the driveway to the National Relief Charities property and eastern driveway to the South Dakota Department of Transportation property. The two driveways measure 40 foot in width and 36 foot in width, respectively. The Street Design Criteria Manual states that a driveway to a commercial property may not exceed 28 feet in width. As such, staff is recommending that prior to Planning Commission approval, Exceptions be obtained to allow the proposed driveway widths or the construction plans must be revised to show a maximum 28 foot wide driveway for both properties.

Grading and Drainage: A grading plan with proposed contours and drainage flow arrows for the entire site must be submitted for review and approval. In addition, a drainage report must be submitted for review and approval which includes addressing surface water collection east of the eastern most South Dakota Department of Transportation approach location. Staff is recommending that the grading plan and the drainage report be submitted for review and approval prior to Planning Commission approval.

Permits: An Air Quality Permit must be obtained from the City prior to any surface disturbance of one or more acres. A Stormwater Quality Management Plan in accordance with the adopted Stormwater Quality Manual must also be obtained prior to the start of construction. A Permit to Work in the Right-of-way must also be obtained prior to any construction within E. North Street and/or Eglin Street right-of-way.

Staff recommends that the SDCL 11-6-19 Review be **approved with the acknowledgement that the right-of-way width for Eglin Street within the previously vacated section line highway is hereby reduced from 100 feet to 87.75 feet and 78.75 feet, respectively.**