

STAFF REPORT  
June 25, 2009

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**No. 09SR040 - SDCL 11-6-19 to authorize the relocation of a right-of-way, to relocate a street, to create a stormwater facility and to extend a public utility**

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**ITEM 38**

GENERAL INFORMATION:

APPLICANT/AGENT	Public Works Department for City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 09SR040 - SDCL 11-6-19 to authorize the relocation of a right-of-way, to relocate a street, to create a stormwater facility and to extend a public utility</b>
EXISTING LEGAL DESCRIPTION	A portion of Tracts 5, 6 and 7 Rapid City Greenway Tracts and adjacent Hartland Court right-of-way, located in Sections 3, 4, 9 and 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.2 Acres
LOCATION	North of Jackson Boulevard and west of 32nd Street
EXISTING ZONING	Flood Hazard District - Medium Density Residential District
SURROUNDING ZONING	
North:	Flood Hazard District - Medium Density Residential District
South:	Flood Hazard District
East:	Flood Hazard District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/24/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 to authorize the relocation of a right-of-way, to relocate a street, to create a stormwater facility and to extend a public utility be approved if the following additional information is submitted prior to Planning Commission approval of this item:

1. Revised construction plans shall be submitted for review and approval showing that portion of Hartland Court to be relocated located within a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, street light

STAFF REPORT  
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---

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---

**ITEM 38**

conduit and sidewalk along the north side of the street. In addition, the construction plans and Design Report shall be finalized and stamped and signed by a Registered Professional Engineer;

2. Geotechnical information shall be submitted for review and approval;
3. A Floodplain Development Permit shall be obtained; and,
4. Final street drainage information shall be submitted for review and approval.

GENERAL COMMENTS:

**(Update: June 12, 2009. All revised and/or added text is shown in bold print.) This item was continued at the June 4, 2009 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. Staff will notify the Planning Commission at the June 25, 2009 meeting if this information has not been submitted as required.**

(Update: May 22, 2009. All revised and/or added text is shown in bold print.) This item was continued at the May 21, 2009 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the information has not been submitted for review and approval. Staff will notify the Planning Commission at the June 4, 2009 meeting if this information has not been submitted as required.

The applicant has submitted a SDCL 11-6-19 Review to relocate a portion of Hartland Court, to authorize the relocation of the right-of-way for Hartland Court, to create a stormwater facility and to extend an 8 inch water main on public property.

The property is located north of Jackson Boulevard and west of 32<sup>nd</sup> Street. The property is a portion of a Greenway Tract and has been developed as a part of the City's park system along Jackson Boulevard. Currently, the City's bike path extends through the site.

South Dakota Codified Law 11-6-19 states that "whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The request to relocate a public street and to extend a public utility on public property is a public improvement. In addition, the property is identified 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 Review to allow temporary structures on public property and has noted the following considerations:

Hartland Court: Hartland Court currently extends north from Jackson Boulevard through the

STAFF REPORT  
June 25, 2009

---

**No. 09SR040 - SDCL 11-6-19 Review to extend a public utility**

**ITEM 38**

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City's Greenway Tract to serve as access to five residential lots located north of the Greenway Tract. The applicant has indicated that a stormwater facility is needed in the area of the existing Hartland Court as it extends through the Greenway Tract. In order to construct the stormwater facility, the street is being relocated to extend east connecting with 32<sup>nd</sup> Street. In addition, the existing connection to Jackson Boulevard will be terminated and this portion of the street will be removed.

Hartland Court is classified as a lane/place street requiring that it be located within a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The applicant has submitted construction plans for the street which are 65% complete showing the street being constructed with a 20 foot wide paved surface and an 8 inch water main. Sewer currently extends from 32<sup>nd</sup> Street to serve the five residential lots located at the northern terminus of Hartland Court. As such, additional sewer main(s) are not needed as a part of the construction of this portion of the street. In addition, the City's bike path is located south of the proposed street. As such, a sidewalk is only required along the north side of the street. Prior to Planning Commission approval, the construction plans must be revised to include curb, gutter, street light conduit and sidewalk along the north side of the street. In addition, the plans and Design Report must be finalized and stamped and signed by a Registered Professional Engineer.

The applicant should be aware that once this SDCL 11-6-19 Review is approved to relocate the right-of-way, a request must be submitted to the Public Works Committee and, subsequently, the City Council for authorization to prepare an H-Lot to authorize acceptance of the deed.

Floodplain: The property is located within the 100 year Federally designated Floodplain. As such, prior to Planning Commission approval, a Floodplain Development Permit must be obtained.

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 be obtained as needed prior to the start of construction.

The location and extent of the proposed relocated street, the stormwater facility, the 8 inch water main and the request to authorize the relocation of a right-of-way is consistent with the adopted Comprehensive Plan and the related regulations. As such, staff will recommend that the SDCL 11-6-19 Review be approved if the above noted issues are addressed prior to Planning Commission approval of this item.