

STAFF REPORT
October 22, 2009

No. 09SR083 - SDCL 11-6-19 Review to construct improvements in the public right-of-way **ITEM 32**

GENERAL INFORMATION:

APPLICANT/AGENT	Public Works Department for City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR083 - SDCL 11-6-19 Review to construct improvements in the public right-of-way
EXISTING LEGAL DESCRIPTION	St. Joseph Street right-of-way adjacent to Blocks 85, 86, 87, 88, 89 and 90, 5 th Street right-of-way adjacent to Lot 32 of Block 85 and Lot 1 of Block 95, 4 th Street right-of-way adjacent to Lot 32 of Block 86 and Lot 1 of Block 96, 3 rd Street right-of-way adjacent to Lot 32 of Block 87, 2 nd Street right-of-way adjacent to Lot 32 of Block 88 and Lot 1 of Block 98, and 1 st Street right-of-way adjacent to Lot 32 of Block 89 and Lot 1 of Block 99, all located in the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5 acres
LOCATION	St. Joseph Street from First Street to Fifth Street
EXISTING ZONING	General Commercial District/Central Business District
SURROUNDING ZONING	
North:	General Commercial District/Central Business District
South:	General Commercial District/Central Business District
East:	General Commercial District
West:	Central Business District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/11/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to construct improvements in the public right-of-way be approved if the following issue is addressed prior to Planning Commission approval of this item:

1. A Utility Conflict Plan shall be submitted for review and approval to insure that the

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proposed improvements do not interfere with any existing utilities.

GENERAL COMMENTS:

(Update, October 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the October 8, 2009 Planning Commission meeting to allow the applicant to submit a Utility Conflict Plan. Staff will notify the Planning Commission at the October 22, 2009 meeting if this requirement has not been met.

The applicant has submitted a SDCL 11-6-19 Review to remove and construct curb, gutter and sidewalk and to install truncated dome panels, new bollards, a new irrigation system and landscaping plant material along St. Joseph Street from 1st Street to 5th Street. The applicant has indicated that the project is being proposed in order to improve pedestrian accessibility and to add aesthetic appeal along St. Joseph Street.

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 improve a portion of the St. Joseph Street right-of-way as identified is a public improvement. In addition, the property is identified within the area 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 to construct the improvements in the public right-of-way and has noted the following considerations:

Utility Conflict Plan: Public and private utilities currently exist within this portion of the St. Joseph Street right-of-way. Prior to Planning Commission approval, a Utility Conflict Plan must be submitted for review and approval to insure that the proposed improvements do not conflict with the existing utilities.

Traffic Control: The construction plans note that the contractor must submit a traffic control plan to the Public Works Department for review and approval. The applicant should be aware that the traffic control plan must be submitted for review and approval to the Public Works Department prior to the start of construction. In addition, the plan must be in place prior to the start of construction.

Permits: Prior to the start of construction, a Permit to Work in the Right-of-way must be obtained from the City’s Public Works Department.

The location and extent of the proposed street improvements appear to be consistent with the adopted Comprehensive Plan and the related regulations. As such, staff will

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recommend that the SDCL 11-6-19 Review be approved if the above noted issue is addressed prior to Planning Commission approval of this item.