

STAFF REPORT

February 20, 2003

No. 03SR017 - 11-6-19 SDCL Review

ITEM 29

GENERAL INFORMATION:

PETITIONER	Rick Himmelspach for Montana Dakota Utilities Company
REQUEST	No. 03SR017 - 11-6-19 SDCL Review
EXISTING LEGAL DESCRIPTION	Tract 17 and a portion of vacated W. Chicago Street (also in Section 34, T2N, R7E), Rapid City Greenway Tract; and Tract 15 Revised and the adjacent 20 foot wide vacated alley, Rapid City Greenway Tract, all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 59.130 acres
LOCATION	In Founders Park between Mt. View Road and 12th Street
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Commercial District/Light Industrial District
East:	General Commercial District/Light Industrial District
West:	Flood Hazard District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	01/28/2003
REPORT BY	Jeff Marino

RECOMMENDATION:

Staff recommends that the 11-6-19 South Dakota Codified Law Review to allow a public utility be continued to the March 6, 2003 Planning Commission Meeting.

GENERAL COMMENTS: The applicant is proposing to extend gas lines through Founder's Park and to relocate an existing utility substation to the corner of Cross Street and Rapid Street. The existing utility substation is located on the corner of Omaha Street and Canal Street. The applicant wants to move this utility sub-station because of its proximity to a principal arterial road. The existing utility sub-station poses a threat, if a vehicle were to run into it.

STAFF REPORT

February 20, 2003

No. 03SR017 - 11-6-19 SDCL Review

ITEM 29

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 site is publicly owned property. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission as a part of an 11-6-19 SDCL Review.

STAFF REVIEW: Staff has reviewed the proposed 11-6-19 SDCL Review and has noted the following major issues:

Location: The natural gas utility substation is proposed to be located in Tract 15, Rapid City Greenway Tracts. This tract was dedicated as public park use. State Law restricts the use of parkland to park purposes, for visitors centers and a limited number of similar uses. As such the location of the substation on dedicated park land cannot be authorized. Above ground utility structures are not a permitted use in the City of Rapid City Greenway Tracts. In addition to the above ground utility substation, the applicant is proposing an underground natural gas line which runs along Rapid Creek through Tract 17. The proposed underground line will run underground from 12th Street to Jackson Blvd extended.

The applicant submitted a revised site plan on February 10, 2003 showing the location of the natural gas substation; however, staff has not had a chance to review the revised site plan yet.

Parking: The proposed utility substation will need one parking space to allow for maintenance vehicles to service it. A revised site plan showing an additional parking space for the utility substation will need to be submitted for review and approval.

Staff is recommending that the proposed request be continued to the March 6, 2003 Planning Commission Meeting in order for City Staff to review the proposed changes to the submitted site plan.

Staff notes that 11-6-19 South Dakota Codified Law Reviews do not require direct notification of neighboring property owners. In addition, South Dakota Codified Law does not require that 11-6-19 South Dakota Codified Law Reviews be advertised in a local newspaper.

STAFF REPORT

February 20, 2003

No. 03SR017 - 11-6-19 SDCL Review

ITEM 29
