

STAFF REPORT
February 24, 2005

No. 05SR004 - 11-6-19 SDCL Review to allow the construction of natural gas distribution underground pipeline mains in a public right-of-way

ITEM 14

GENERAL INFORMATION:

PETITIONER	Ron Blum for Montana-Dakota Utilities Co.
REQUEST	No. 05SR004 - 11-6-19 SDCL Review to allow the construction of natural gas distribution underground pipeline mains in a public right-of-way
EXISTING LEGAL DESCRIPTION	The Elk Vale Road right-of-way extending between the intersection with S.D. East Highway 44 to S.D. Highway 79 South, located in Sections 9, 16, 17 and 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	N/A
LOCATION	Elk Vale Road south of S.D. East Highway 44
EXISTING ZONING	General Agriculture District/Office Commercial District, General Commercial District/Heavy Industrial District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District/Office Commercial District/General Commercial District/Limited Agriculture District (Pennington County)
West:	General Agriculture District/Office Commercial District/General Commercial District/Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	1/24/2005
REVIEWED BY	Todd Tucker / Bob Dominicak

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow the construction of natural gas distribution underground pipeline mains in a public right-of-way be approved with the following stipulations:

1. Prior to initiation of construction, a Right-of-Way Construction Permit shall be obtained from the South Dakota Department of Transportation; and,

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2. Prior to initiation of construction of the Elk Vale Road pipeline main crossing, the applicant shall coordinate the crossing point with City staff to insure there are no conflicts.

GENERAL COMMENTS: The subject property is the Elk Vale Road right-of-way between South Dakota Highway 44 and South Dakota Highway 79. The applicant is seeking an SDCL 11-6-19 Review approval to allow the construction of natural gas distribution and underground pipeline mains in a public right-of-way.

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". As previously indicated, the proposed construction is located within the public right-of-way requiring that the Planning Commission review and approve the proposed construction.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Right-of-Way Permit: Staff noted that the Elk Vale Road right-of-way is a State controlled highway. As such, a Right-of-Way Construction Permit must be obtained from the South Dakota Department of Transportation prior to initiation of construction.

Bike Path: Staff noted that there is a proposed bike path that crosses Elk Vale Road south of the southern terminus of South Valley Drive. The proposed bike path crossing does not appear to conflict with the crossing point of the pipeline main across Elk Vale Road. Staff recommends that the applicant coordinate the crossing point with City staff prior to initiation of construction of the Elk Vale Road crossing.

Staff is recommending approval of the SDCL 11-6-19 Review with the previously stated stipulations.