

STAFF REPORT
May 10, 2007

No. 07SR028 - SDCL 11-6-19 Review to construct a 12 inch water main and a 15 inch sewer main across public land and in the public right-of-way from East North Street to Lowery Lane

ITEM 52

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07SR028 - SDCL 11-6-19 Review to construct a 12 inch water main and a 15 inch sewer main across public land and in the public right-of-way from East North Street to Lowery Lane
EXISTING LEGAL DESCRIPTION	Land located in Section 29, T2N, R8E, described as Beginning at the intersection of East North Street and Eglin Street, approximately 166 feet east of said intersection at a found property corner "LS 3095", this being the point of beginning; thence 125.72 feet a direction of N85°59'37"W to an existing sanitary sewer manhole being the true point of beginning; thence 400.00feet a direction of N86°14'35"E; thence 400.00 feet a direction of S89°52'31"E; thence 400.00 feet a direction of N77°01'56"E; thence 399.39 feet a direction of N81°08'38"E; thence 294.33 feet a direction of N88°54'12"E; thence 274.89 feet a direction of N88°54'12"E; thence 297.10 feet a direction of N00°24'55"E; thence 279.86 feet a direction of N00°24'55"E; thence 345.05 feet a direction of N56°20'09"E; thence 430.13 feet a direction of S89°44'06"E; thence 400.00 feet a direction of S89°44'06"E; thence 400.00 feet a direction of S89°44'06"E; thence 400.00 feet a direction of S89°44'06"E; thence 400.00 feet a direction of S89°44'06"E; thence 300.68 feet a direction of S89°54'03"E to an existing sanitary sewer manhole, this being the end of said baseline, all containing approximately 4.68 acres, located in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.68 acres
LOCATION	2300 Eglin Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING North:	General Commercial District

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South:	General Commercial District
East:	General Commercial District
West:	General Commercial District

PUBLIC UTILITIES	City sewer and water
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DATE OF APPLICATION	4/17/2007
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REVIEWED BY	Vicki L. Fisher / Todd Peckosh
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RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to construct a 12 inch water main and a 15 inch sewer main across public land and in the public right-of-way from East North Street to Lowery Lane be approved with the following stipulation:

1. Prior to Planning Commission approval, the applicant shall demonstrate access to all of the proposed manholes; and,
2. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings and red line comments. In addition, the red lined drawings shall be returned to the Growth Management Department.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to construct a 12 inch water main and a 15 inch sewer main from E. North Street, across public property, to Lowry Lane. The utility construction is being proposed as a part of the off-site improvements to serve Rushmore Crossing, an approximate 861,000 square foot commercial development located between LaCrosse Street and E. North Street.

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 utility extension is a public improvement and the property is identified as being located 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 and has noted the following considerations:

Construction Plans: Construction plans have been submitted for review and approval showing the extension of a water main and a sewer main as identified above. However, the

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construction plans do not clearly show access to all of the proposed manholes. As such, staff is recommending that prior to Planning Commission approval, the applicant demonstrate access to all of the proposed manholes. Staff is also recommending that prior to Planning Commission approval, all necessary changes be made to the construction plans as identified on the red lined drawings and red line comments. In addition, the red lined drawings must be returned to the Growth Management Department.

Easements/Right-of-way: A portion of the sewer and water project extends across public land owned by the South Dakota Highway Commission. A representative from the South Dakota State Highway Commission has signed the SDCL 11-6-19 Review application form, however, to date, a utility easement and/or right-of-way has not been dedicated for this portion of the utility extension project. The applicant should be aware that prior to the start of constructions, a public utility easement and/or right-of-way must be dedicated.

Right-of-way Permit/Air Quality Permit: The applicant should be aware that a Permit to Work in the Right-of-way must be obtained from the South Dakota Department of Transportation for all street right-of-way work with the exception of Dyess Avenue. A Permit to Work in the Right-of-way must be obtained from the City for any work within the Dyess Avenue right-of-way.

In addition, an Air Quality Permit must be obtained from the City or the existing permit must be amended to include this project.

Staff is recommending that the SDCL 11-6-19 Review be approved with the stipulations as identified above.