

STAFF REPORT
February 7, 2008

**No. 08SR003 - SDCL 11-6-19 Review to construct public utility improvements ITEM 38
within a public right-of-way**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Wal-East Development Co.
REQUEST	No. 08SR003 - SDCL 11-6-19 Review to construct public utility improvements within a public right-of-way
EXISTING LEGAL DESCRIPTION	A portion of Elk Vale Road Right-of-Way located adjacent to Section 27, T2N, R8E, BHM, Box Elder, Pennington County, South Dakota
LOCATION	Elk Vale Road located adjacent to the property described as Section 27, T2N, R8E, BHM, Box Elder, Pennington County, South Dakota
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	Box Elder
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/11/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to construct public utility improvements within a public right-of-way be approved with the following stipulations:

1. Prior to Planning Commission approval, the construction plans shall be revised to show the 24 inch water casing located north of the intersection of Seger Drive and Elk Vale Road in lieu of south of the intersection;
2. Prior to Planning Commission approval, the construction plans shall be revised to show the elevation of the sewer casing raised to allow the crown of the proposed sewer main within the casing to match the crown of the existing sewer main located west of the casing. In addition, the applicant shall verify that the proposed 24 inch casing is sufficient to accommodate a future sanitary sewer main for this area; and,
3. Prior to Planning Commission approval, a Permit to work in the right-of-way shall be obtained.

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GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to allow the construction of two 24 inch casings across Elk Vale Road right-of-way. The west half of the right-of-way is located in the City limits of Rapid City. The east half of the right-of-way is located within the City limits of Box Elder. The City is only reviewing that portion of the project located within the City limits of Rapid City. The casings will provide a sleeve for the possible future extension of utilities. The applicant should be aware that Rapid City has previously not extended utility services to other municipalities except for emergency service connections.

The casings are proposed within that portion of Elk Vale Road right-of-way located north of the Interstate 90 right-of-way and south of Seger Drive. Please note that the east half of the Elk Vale right-of-way is located within the City limits of Box Elder. The City is only reviewing that portion of the project located within the City limits of Rapid City.

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 casings are being constructed within public right-of-way 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: The construction plans show the extension of a 24 inch water casing across Elk Vale Road, south of the intersection of Elk Vale Road and Seger Drive. However, the City's standard specifications require that water mains be located north of the intersection. As such, staff is recommending that prior to Planning Commission approval, the construction plans be revised to show the 24 inch water casing relocated north of the intersection of Seger Drive and Elk Vale Road.

The construction plans also show the extension of a 24 inch sewer casing across Elk Vale Road. The profile for the sewer casing does not appear to allow the crown of any future proposed sewer main within the casing to match the crown of the existing sewer main located west of the casing. As such, staff is recommending that prior to Planning Commission approval, the construction plans be revised to show the elevation of the sewer casing raised to allow the crown(s) to match. In addition, the applicant must verify that the proposed 24 inch casing is sufficient to accommodate a future sanitary sewer main for this area. At one time the applicant had identified that a 24 inch sanitary sewer main was needed to provide service to property located north along Elk Vale Road as a part of the improvements for that site, which would require a larger casing.

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

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identified above.