

STAFF REPORT
February 21, 2008

No. 08SR007 - SDCL 11-6-19 Review to construct a public meter pit in public Right-of-way **ITEM 48**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Heartland Retail Center LLC
REQUEST	No. 08SR007 - SDCL 11-6-19 Review to construct a public meter pit in public Right-of-way
EXISTING LEGAL DESCRIPTION	A parcel of land located in the NE1/4 of the NW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	East of the intersection of Elk Vale Road and Cheyenne Boulevard
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	1/25/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to construct a public meter pit in public Right-of-way be approved with the following stipulations:

1. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; and,
2. Prior to Planning Commission approval, a revised "Operation and Maintenance Agreement between Elk Vale Business Park, LLC and the City of Rapid City for Northern Lights Water Meter Pit" shall be submitted for review and approval. In addition, the applicant shall obtain authorization from the City Council for the Mayor and Finance Officer to sign the revised agreement. The Operation and Maintenance agreement shall also be recorded at the Register of Deed's Office.

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GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to allow the construction of a public meter pit in the Cheyenne Boulevard right-of-way. The facility will meter water being provided by the City of Rapid City to be used and purchased by "Elk Vale Business Park, LLC" to serve a residential development located in the City limits of Box Elder.

The property is located approximately 2,500 feet east of the intersection of Elk Vale Road and Cheyenne Boulevard.

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 meter pit is 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:

H Lot: On November 9, 2006, the Planning Commission approved a SDCL 11-6-19 Review to allow for the construction of this portion of Cheyenne Boulevard. In addition, on November 20, 2006, the City Council approved a request for authorization to prepare an H Lot and authorized acceptance of deeds for this portion of Cheyenne Boulevard. On February 11, 2008, the applicant submitted the H Lot mylar to the City which has subsequently been submitted to the Register of Deed's Office for recording.

Construction Plans: Staff is recommending that prior to Preliminary Plat approval, all necessary changes must be made to the construction plans as identified on the red lined drawings. In particular, the gravel driveway and parking area must be removed. In addition, the red lined drawings must be returned to the Growth Management Department. The construction plans must also be signed by the Growth Management Department and the Public Works Department prior to the start of any construction.

Agreement: The applicant has submitted an "Operation and Maintenance Agreement between Elk Vale Business Park, LLC and the City of Rapid City for Northern Lights Water Meter Pit". Staff has reviewed the agreement and has noted several revisions to the document. Staff is recommending that prior to Planning Commission approval, a revised agreement addressing the red line comments be submitted for review and approval. In addition, the applicant must obtain authorization from the City Council for the Mayor and Finance Officer to sign the revised agreement. In addition, the Operation and Maintenance agreement must be recorded at the Register of Deed's Office.

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No. 08SR007 - SDCL 11-6-19 Review to construct a private facility in a public Right-of-way **ITEM**

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