

STAFF REPORT  
September 25, 2008

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**No. 08SR059 - SDCL 11-6-19 Review to allow construction of a public water reservoir ITEM 49**

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GENERAL INFORMATION:

APPLICANT	City of Rapid City
AGENT	Deon Stockert for Advanced Engineering and Environmental Services, Inc.
PROPERTY OWNER	G & G Investments, LLP
REQUEST	<b>No. 08SR059 - SDCL 11-6-19 Review to allow construction of a public water reservoir</b>
EXISTING LEGAL DESCRIPTION	A portion of the SW1/4 NW1/4 and the NW1/4 SW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.210 acres
LOCATION	Southeast of the intersection of North Elk Vale Road and Cheyenne Boulevard
EXISTING ZONING	Low Density Residential District (Planned Development Designation)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Development Designation)
South:	Office Commercial District (Planned Development Designation)
East:	Low Density Residential District (Planned Development Designation)
West:	General Commercial District - General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	7/27/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow construction of a public water reservoir be approved with the acknowledgment that the requirement to pave that portion of the access easement extending from Elk Vale Road to the fenced area of the reservoir site be waived if the following additional information is submitted prior to Planning Commission approval:

1. A complete landscape plan shall be submitted for review and approval showing the

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specific plantings along the perimeter of the fence. In particular, the landscape plan shall demonstrate that a landscape screening buffer is being provided. In addition, the landscape plan shall identify that the landscaping is being irrigated.

GENERAL COMMENTS:

**(Update, September 15, 2008. All revised and/or added text is shown in bold print.) This item was continued at the August 21, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. Staff will notify the Planning Commission at the September 25, 2008 Planning Commission meeting if the stipulations of approval have been met.**

(Update, August 8, 2008. All revised and/or added text is shown in bold print.) This item was continued at the August 7, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. Staff will notify the Planning Commission at the August 21, 2008 Planning Commission meeting if the stipulations of approval have been met.

(Update, July 25, 2008. All revised and/or added text is shown in bold print.) This item was continued at the July 24, 2008 Planning Commission meeting to allow the applicant to submit additional information. As of this writing, the required information has not been submitted for review and approval. Staff will notify the Planning Commission at the August 7, 2008 Planning Commission meeting if the stipulations of approval have been met.

The applicant has submitted a SDCL 11-6-19 Review to construct a 3.5 million gallon partially buried concrete water reservoir with a control building along Elk Vale Road. The Elk Vale Road Low Level Water Reservoir will provide some of the necessary distribution system infrastructure improvements needed to support continued growth in northeastern Rapid City. The applicant has also submitted a SDCL 11-6-19 Review (File #08SR060) to construct two new control vaults at the City's existing Signal Hill reservoir site. In particular, two 15 foot by 14.5 foot below ground control vaults are being constructed to improve the operation of the Low Level Pressure Zone. The two proposed control vaults at Signal Hill are needed to improve the overall operation of the Low Level Pressure Zone and its interaction with the new Elk Vale Low Level Water Reservoir.

On July 7, 2008, the City Council approved a Fence Height Exception (File #08FV007) to allow an eight foot high fence in lieu of a maximum six foot high fence in the Low Density Residential District.

The property is located southeast of the intersection of North Elk Vale Road and Cheyenne Boulevard. Currently, the property is void of any structural development.

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

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location and extent thereof shall have been submitted to and approved by the Planning Commission". The proposed water reservoir and control building are a part of a public utility system and are being constructed on public property. 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 Review and has noted the following considerations:

Zoning: The property is currently zoned Low Density Residential District with a Planned Development Designation. The City's Future Land Use Plan identifies the appropriate use of the property as Low Density Residential with a Planned Residential Development. A "utility substation" is a conditional use in the Low Density Residential District. As noted above, the water reservoir will provide some of the necessary distribution system infrastructure improvements needed to support continued growth within this area of Rapid City.

The use of the property as a water reservoir site is in compliance with the existing zoning and the City's adopted future land use plan.

Design: The 3.5 million gallon reservoir is designed as a partially buried structure, extending above grade at the east end with a maximum height of 30 feet. In addition, the applicant has indicated that the reservoir will be constructed with concrete and will be tan in color. The associated control building will be constructed east of the reservoir with a maximum height of 18 feet 8 inches. In addition, the control building will be constructed with concrete, simulated stone veneer and have a peaked asphalt shingled roof. The control building will also be tan in color with darker brown trim.

The applicant should be aware that the proposed structure(s) must conform architecturally to the plans and elevations and the color palette reviewed and approved as part of this SDCL 11-6-19 Review.

Access: An approximate 16 foot wide graveled road extends east and north from Elk Vale Road to serve as access to a utility substation located south of this site. The applicant is proposing to extend the 16 foot wide graveled road north to the reservoir site. In addition, the applicant has indicated that the proposed access road being extended within the fenced reservoir area will be constructed with a 12 foot wide paved surface. A paved area is also being proposed at the end of the access road to provide a parking area and to provide a turnaround.

In 2004, the Planning Commission approved a SDCL 11-6-19 Review to allow an expansion of the utility substation located south of this site. During the review, it was noted that the graveled road extending east from Elk Vale Road did not need to be paved at this time since a utility substation generates low traffic volumes. In addition, the Fire Department indicated that the graveled road will provide fire apparatus access to the property.

Staff has reviewed this SDCL 11-6-19 Review and noted that the proposed water reservoir

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will also generate low traffic volumes. The Fire Department has also indicated that extending a 16 foot wide graveled road to the reservoir site and constructing a 12 foot wide paved access road within the fenced area of the site with a paved turnaround at the end of the road will provide fire apparatus access as needed. As such, staff is recommending that the Planning Commission waive the requirement to pave that portion of the access road extending east from Elk Vale Road to the fenced water reservoir site. The applicant should be aware that any future expansion and/or change of use on the site may require that the access road be paved.

Parking: The applicant has submitted a Parking Plan showing two paved parking spaces at the end of the access road to provide employee parking. In addition, one of the parking spaces is "van" handicap accessible. Prior to issuance of a Certificate of Occupancy, the parking spaces must be constructed as proposed.

Landscaping: As previously indicated, on July 7, 2008, the City Council approved a Fence Height Exception (File #08FV007) to allow an eight foot high fence in lieu of a maximum six foot high fence in the Low Density Residential District to be constructed around the reservoir site. A stipulation of approval of the associated Fence Height Exception requires that a landscape screen be provided along the proposed fence. As such, the applicant has submitted a Landscape Plan showing a mix of shade trees, evergreen trees and shrubbery along the perimeter of the fence to create a landscape screen. However, the landscape plan does not show the specific location of the plant material around the fence nor does it identify if the landscaping will be irrigated. As such, staff is recommending that prior to Planning Commission approval, a complete landscape plan be submitted for review and approval showing the specific plantings along the perimeter of the fence. In particular, the landscape plan must demonstrate that a landscape screening buffer is being provided. In addition, the landscape plan must identify that the landscaping is being irrigated. .

Prior to issuance of a Certificate of Occupancy, the landscaping must be planted as required. In particular, a landscape screen must be provided along the perimeter of the fence. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Permits: A Building Permit must be obtained prior to the installation of the water reservoir and control building. In addition, an Air Quality Permit must be obtained from the City prior to any surface disturbance of one or more acres. An Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual must also be obtained prior to the start of construction. A Permit to Work in the Right-of-way must also be obtained from the South Dakota Department of Transportation prior to any construction within Elk Vale Road.

Staff is recommending that the SDCL 11-6-19 Review be approved with the acknowledgment that the requirement to pave that portion of the access easement extending from Elk Vale Road to the fenced area of the reservoir site be waived.