

STAFF REPORT
September 25, 2008

No. 08SR072 - SDCL 11-6-19 Review to extend a public utility

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GENERAL INFORMATION:

APPLICANT	Rapid City Implement Company
AGENT	Lawrence M. Kostaneski for Centerline, Inc.
PROPERTY OWNER	Rapid City Implement Co.
REQUEST	No. 08SR072 - SDCL 11-6-19 Review to extend a public utility
EXISTING LEGAL DESCRIPTION	Tract F of Marshall Heights Subdivision No. 2, Lot 2 less Lot H1, East Mall Business Center Subdivision and the unplatted portion of NE1/4 lying north of Interstate 90, less Lot H2, Lot H3 and Lot H4, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 20 acres
LOCATION	South of E. Mall Drive and east of E. Disk Drive
EXISTING ZONING	General Commercial District (Planned Industrial Development)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/6/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staffs recommend that the SDCL 11-6-19 Review to extend a public utility be approved.

GENERAL COMMENTS:

**(Update, September 19, 2008. All revised and/or added text is shown in bold print.)
This item was continued at the September 4, 2008 to allow the applicant to address outstanding issues.**

The applicant has submitted a SDCL 11-6-19 Review to extend an 8 inch sanitary sewer main from E. Mall Drive north approximately 320 feet to the Rapid City Implement Company

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property.

The property is located south of E. Mall Drive and east of Disk Drive. Currently, two commercial structures are located on the Rapid City Implement Company property. The balance of 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 location and extent thereof shall have been submitted to and approved by the Planning Commission". The proposed sanitary sewer main is part of a public utility system. In addition, the property is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the improvement 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:

Application: The applicant's SDCL 11-6-19 Review application currently includes the Rapid City Implement Company property. However, the construction plans show the extension of an eight inch sanitary sewer main across two additional properties before terminating on the Rapid City Implement Company property. **The applicant has revised the application to include Lot 2 less Lot H1, East Mall Business Center Subdivision and the unplatted portion of NE1/4 lying north of Interstate 90, less Lot H2, Lot H3 and Lot H4, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.**

Easements: A 25 foot wide utility easement exists along the common lot line of Lot 2, East Mall Business Center Subdivision and the adjacent unplatted property. However, the construction plans show the sanitary sewer main extending south beyond the limits of the existing utility easement on the adjacent unplatted property and on the Rapid City Implement Company property. As such, staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to record utility easement(s) at the Register of Deed's Office for that portion of the project located outside of existing utility easements and/or right-of-way.

As previously noted, a 25 foot wide utility easement exists along the common lot line of Lot 2, East Mall Business Center Subdivision. In addition, a 12.5 foot wide utility easement exists on the adjacent property from Lot 2, East Mall Business Center Subdivision to the Interstate 90 right-of-way. The construction plans show that portion of the sanitary sewer main located on the adjacent properties within the recorded easements. As such, additional utility easements are not needed on the adjacent properties. The applicant should be aware that temporary construction easements may be required from the adjacent property owner(s) if any of the work extends outside of the existing utility easement(s).

Service Area: To date, the service area for the proposed sanitary sewer main has not been

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identified. Staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant identify the sanitary sewer service area in order to verify that the sewer main is being constructed at an adequate depth to serve the identified area. **The applicant has submitted a site plan showing the service area for the proposed sanitary sewer main. Staff has subsequently reviewed and approved the site plan.**

Access: The construction plans identify the installation of two manholes along the sanitary sewer main. To date, the construction plans do not show access to the manholes, as required to facilitate maintenance of the facility. As such, staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to revise the construction plans to show a minimum 12 foot wide all weather surface access road to both manholes either from E. Mall Drive or Disk Drive. **The applicant has submitted the revised construction plans showing a graveled access pad to manhole #1, at station 0+00 located near E. Mall Drive.**

Access to the southern manhole can be delayed until the sewer main is in service and no longer functions as a dry sewer line. At such time as the sewer becomes wet, a temporary gravel access road to the southern manhole is appropriate. Access easements will also be required from the Rapid City Implement property to allow maintenance vehicles legal access at such time as the sewer becomes wet.

Permits: An Air Quality Permit must be obtained from the City prior to any surface disturbance of one or more acres. A Stormwater Quality Management Permit in accordance 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 prior to any construction within E. Mall Drive.

E. Mall Drive Sewer Project: An 8 inch sanitary sewer main is currently being constructed within the E. Mall Drive right-of-way. This project has not been completed and accepted by the City. If the applicant proposes to connect to this sewer main prior to the City accepting the project, they must obtain concurrence and coordinate the connection with the general contractor and the City.

Staffs recommend that this SDCL 11-6-19 Review be approved.