

STAFF REPORT
November 6, 2008

No. 08SR081 - SDCL 11-6-19 Review to construct public streets, utilities and drainage improvements **ITEM 52**

GENERAL INFORMATION:

APPLICANT	OS Development, Inc.
AGENT	Ted Schultz for CETEC Engineering Services, Inc.
PROPERTY OWNER	GDS Investments, Inc.
REQUEST	No. 08SR081 - SDCL 11-6-19 Review to construct public streets, utilities and drainage improvements
EXISTING LEGAL DESCRIPTION	<p>A tract of land located in the SW$\frac{1}{4}$ NE$\frac{1}{4}$, SE$\frac{1}{4}$ NE$\frac{1}{4}$, SE$\frac{1}{4}$ of Section 22 and the NE$\frac{1}{4}$ NE$\frac{1}{4}$, of Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the East $\frac{1}{4}$ Corner of said Section 22, said point being monumented with a nail in the surface of the asphalt of Reservoir Rd and having two reference monuments consisting of a brass cap and iron pipe, one bears N40°53'23"W 46.84 feet, the second bears S42°28'55"W 47.86 feet; Thence S11°01'40"W 211.80 feet the True Point of Beginning, said point is on the westerly Right-of-Way line of said Reservoir Rd; Thence N88°20'56"W 42.22 feet to the beginning of a curve concave to the northeast having a radius of 454.00 feet; Thence along said curve a distance of 240.79 feet to the beginning point of a reverse curve having a radius of 666.00 feet; Thence along said curve a distance of 763.21 feet to a point; Thence N42°15'21"W 103.29 feet to the beginning of a curve concave to the northeast having a radius of 740.00 feet; Thence along said curve a distance of 109.90 feet to a point; Thence N04°01'19"W 212.28 feet to a point; Thence S55°45'42"W 75.36 feet to a point; Thence N86°53'21"W 134.46 feet to a point; Thence S10°21'24"E 98.19 feet to a point; Thence S35°06'10"W 63.00 feet to a point; Thence S46°21'05"E 109.89 feet to a the beginning of a non-tangent curve concave to the southwest having a radius of 936.00 feet and a chord bearing of S45°14'35"E; Thence along said curve a distance of 97.60 feet to a point; Thence S42°15'21"E 82.00 feet to a point; Thence S47°44'39"W 267.00 feet to a point; Thence S42°15'21"E 318.00 feet to the beginning of a curve concave to the southwest having a radius of 669.00 feet; Thence along said curve a distance of</p>

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415.25 feet to a point; Thence S04°27'54"E 52.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 669.00 feet and a chord bearing of S00°04'26"E ; Thence along said curve a distance of 50.53 feet to a point; Thence S02°05'22"W 618.45 feet to a point; Thence N87°54'38"W 157.00 feet to a point; Thence S02°05'22"W 82.00 feet to a point; Thence S47°05'22"W 14.14 feet to a point; Thence N87°54'38"W 95.00 feet to a point; Thence S02°05'22"W 89.55 feet to the beginning of a curve concave to the northwest having a radius of 407.00 feet; Thence along said curve a distance of 283.67 feet to a point; Thence S42°01'34"W 129.91 feet to a point; Thence S47°44'39"W 76.00 feet to a point; Thence S42°15'21"E 25.35 feet to the beginning of a curve concave to the northeast having a radius of 1238.00 feet; Thence along said curve a distance of 692.63' to a point; Thence S32°05'22"W 61.42 feet to the beginning of a curve concave to the northwest having a radius of 2060.00 feet; Thence along said curve a distance of 464.18 feet to a point; Thence S45°00'00"W 183.94 feet to a point; Thence S45°00'00"E 172.00 feet to a point; Thence N45°00'00"E 86.99 feet to a point; Thence S90°00'00"E 14.14 feet to a point; Thence S45°00'00"E 100.00 feet to a point; Thence N45°00'00"E 478.38 feet to a point; Thence S64°12'57"E 223.55 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 254.00 feet and a chord bearing of S28°27'35"E; Thence along said curve a distance of 263.73 feet to a point; Thence S88°42'49"E 120.00 feet to the beginning of a non-tangent curve concave to the west having a radius of 374.00 feet and a chord bearing of S01°38'45"W; Thence along said curve a distance of 4.69 feet to a point; Thence S02°00'19"W 29.40 feet to a point; Thence S87°59'41"E 199.00 feet to a point along the westerly Right-of-Way line of said Reservoir Road; Thence N02°00'19"E 678.41 feet along said Right-of-Way where it intersects the South line of the Southeast quarter of said Section 22, from which the Southeast corner of said section 22 bears S88°27'49"E 33.00 feet, said point being monumented with an iron rod below the surface of the asphalt; Thence N02°03'51"E 38.00 along the Right-of-Way of said Reservoir Rd to a point; Thence N88°27'48"W 515.70 feet to the beginning of a curve concave to the northeast having a radius of 1162.00 feet; Thence along said curve a distance of 264.57 feet to a point; Thence N32°05'22"E 194.31 feet

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to the beginning of a curve concave to the northwest having a radius of 1066.00 feet; Thence along said curve a distance of 465.06 feet to a point; Thence S87°56'54"E 23.94 feet to the southwest corner of Tract 1 of the Bradeen Subdivision, said point being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence N02°05'22"E 986.42 feet along the west line of said Tract 1 to the beginning of a non-tangent curve concave to the southwest having a radius of 1014.96 feet and a chord bearing N22°20'38"W said point is also the northwest corner of said Tract 1 and being monumented with an iron rod and cap stamped "Cetec Eng LS 4725"; Thence along said curve a distance of 695.42 feet to a point; Thence N42°03'11"W 203.20 feet to a point; Thence N41°26'28"W 12.09 feet to the beginning of a non-tangent curve concave to the south having a radius of 613.96 feet and a chord bearing of S89°59'42"E; Thence along said curve a distance of 686.58 feet to the beginning point of a reverse curve having a radius of 506.00 feet; Thence along said curve a distance of 268.36 feet to a point; Thence S88°20'56"E 41.85 feet to a point on the westerly Right-of-Way line of said Section 22; Thence N02°03'51"E 52.00 feet along said Right-of-Way line to the True Point of Beginning, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

PROPOSED
LEGAL DESCRIPTION

Lot 1 of Block 1, Lot 1 of Block 2, Lots 1 thru 40 of Block 3, Lots 1 thru 7 of Block 4, Lots 1 thru 10 of Block 5, Lots 1 thru 6 of Block 6, Lots 1 thru 12 of Block 7, Lots 1 thru 8 of Block 8, Lots 1 thru 10 of Block 9, Tracts A and B and the dedicated public Right-of-way, located in the SW1/4 NE1/4, SE1/4 NE1/4, SE1/4, Section 22 and the NE1/4 NE1/4, SE1/4 NE1/4, SW1/4 NE1/4, Section 27, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

PARCEL ACREAGE

Approximately 44.78 acres

LOCATION

West of Reservoir Road and south of the intersection of S.D. Highway 44 and Reservoir Road

EXISTING ZONING

Low Density Residential District - Medium Density Residential District (Planned Development Designation)

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SURROUNDING ZONING

North: General Agriculture District
South: Low Density Residential District
East: Medium Density Residential District (Planned Development Designation) - Low Density Residential District
West: Low Density Residential II District (Planned Development Designation) - Low Density Residential District

PUBLIC UTILITIES City sewer and water

DATE OF APPLICATION 9/15/2008

REVIEWED BY Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to construct public streets, utilities and drainage improvements be approved if the following additional information is submitted prior to Planning Commission approval:

1. All necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings and final sealed and signed construction plans shall be returned to the Growth Management Department for review and approval; and,

GENERAL COMMENTS:

(Update, October 1, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 23, 2008 Planning Commission meeting to allow staff time to review construction plans and drainage information submitted on October 8, 2008 and to allow the applicant to revise the plans as per the red line comments. Staff has completed the review of the revised construction plans and returned them to the applicant for final revision. Staff will notify the Planning Commission at their November 6, 2008 Planning Commission meeting if the redline comments have been addressed as required.

(Update, October 1, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 9, 2008 Planning Commission meeting to allow staff time to review construction plans and drainage information submitted on October 8, 2008. Staff is currently completing the review of the information and has noted red line comments that must be addressed. Staff will notify the Planning Commission at their October 23, 2008 Planning Commission meeting if the redline comments have been addressed as required.

(Update, September 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the September 25, 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

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October 9, 2008 Planning Commission meeting if the stipulations of approval have been met.

The applicant has submitted a SDCL 11-6-19 Review to construct public streets, utilities and drainage improvements for Phase One of the Morningstar Subdivision. In addition, the applicant has submitted a Preliminary Plat (File #08PL124) for Phase One of Morningstar Subdivision to create 97 lots.

On April 16, 2007, the City Council approved a Layout Plat (File #07PL047) to subdivide 388.26 acres into 734 lots, which included this phase of Morningstar Subdivision.

On May 14, 2008, the applicant submitted a SDCL 11-6-19 Review (File #08SR044) to construct a 14 inch water main from the intersection of S.D. Highway 44 and Reservoir Road, south 2.1 miles along the west side of Reservoir Road to serve Morningstar Subdivision. This item will be considered at the September 25, 2008 Planning Commission meeting.

The property is located approximately 3,000 feet south of the intersection of S.D. Highway 44 and Reservoir Road on the west side of Reservoir Road. Currently, the property is void of any structural development with the exception of a decorative wood fence.

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 street, utility and drainage improvements are a part of the public improvements for the associated Preliminary Plat. 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:

Infra-structure Improvements: During the review of the associated Preliminary Plat, it was noted that off-site water and sewer improvements are needed in order to serve the development. To date, complete construction plans and associated easements for the off-site water and sewer improvements have not been submitted for review and approval. As such, the applicant has submitted this SDCL 11-6-19 Review application to construct street, utility and drainage improvements within Phase One of Morningstar Subdivision. Prior to connecting to City sewer and/or water, right-of-way and/or easements must be recorded at the Register of Deed's Office.

The applicant should be aware that he is proceeding at his own risk to construct the infra-

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structure improvements without complete construction plans and easements and/or right-of-way for the off-site utilities and without the review and approval of a Preliminary Plat.

Construction Plans: The applicant has submitted preliminary construction plans for review and approval. Staff has reviewed the plans and noted red line comments that must be addressed. As such, staff is recommending that prior to Planning Commission approval, all necessary changes must be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings and final sealed and signed construction plans must be returned to the Growth Management Department for review and approval.

Drainage: The applicant submitted a drainage plan for review and approval which included hydrologic calculations and inlet capture calculations. However, the drainage plan must be revised to include hydraulic calculations and design information for any of the open channels, drop structures, detention pond outlet and storm sewers. Staff is recommending that prior to Planning Commission approval, hydraulic calculations and a revised drainage plan be submitted for review and approval as identified.

The applicant has submitted hydraulic calculations and a revised drainage plan. Staff is currently reviewing the information and will notify the applicant of any red line comments that must be addressed prior to Planning Commission approval.

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 Reservoir Road. A Floodplain Development Permit and a 404 Permit from the Corp of Engineers must be obtained, if needed, prior to any construction within the 100 year federally designated floodplain located on the property.

Irrigation Ditches: The Cyclone Irrigation Ditch and the South Side Irrigation Ditch extend through this phase of the development. Prior to any construction within this area, written documentation must be obtained from the Cyclone Irrigation Ditch Association and the South Side Irrigation Ditch Association concurring with the proposed improvements.

Staff will recommend that this SDCL 11-6-19 Review be approved at the **November 6, 2008** Planning Commission meeting if the above referenced issues have been addressed.