

STAFF REPORT  
November 20, 2008

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**No. 08SR033 - SDCL 11-6-19 Review to allow the construction of a lift station    ITEM 35**

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GENERAL INFORMATION:

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|-------------------------------|--|
| APPLICANT/AGENT               | Dream Design International, Inc.   |
| PROPERTY OWNER                | Hyland Park LLC  |
| REQUEST                       | <b>No. 08SR033 - SDCL 11-6-19 Review to allow the construction of a lift station</b>   |
| EXISTING<br>LEGAL DESCRIPTION | A portion of the unplatted balance of the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE                | Approximately 120.00 acres   |
| LOCATION                      | Southeast of the intersection of Sammis Trail and Vilrickson Place   |
| EXISTING ZONING               | Low Density Residential District   |
| SURROUNDING ZONING            |  |
| North:                        | Low Density Residential District   |
| South:                        | Low Density Residential District   |
| East:                         | Low Density Residential District   |
| West:                         | Low Density Residential District   |
| PUBLIC UTILITIES              | City sewer and water   |
| DATE OF APPLICATION           | 3/28/2008  |
| REVIEWED BY                   | Vicki L. Fisher / Mary Bosworth  |

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a lift station be continued to the **December 18, 2008** Planning Commission meeting to allow the applicant to address outstanding issues.

GENERAL COMMENTS:

**(Update, October 23, 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 the applicant to submit additional information. To date, the required information has not been submitted for review and approval. As such, staff is recommending this item be continued to the December 18, 2008 Planning Commission meeting.**

(Update, October 10, 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

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applicant to submit additional information. To date, the required information has not been submitted for review and approval. As such, staff is recommending this item be continued to the November 20, 2008 Planning Commission meeting.

(Update, September 11, 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. To date, the required information has not been submitted for review and approval. As such, staff is recommending this item be continued to the October 23, 2008 Planning Commission meeting.

(Update, August 8, 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. To date, the required information has not been submitted for review and approval. As such, staff is recommending this item be continued to the September 25, 2008 Planning Commission meeting.

(Update, July 11, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 26, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the required information has not been submitted for review and approval. As such, staff is recommending this item be continued to the August 21, 2008 Planning Commission meeting.

(Update, June 13, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 4, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending this item be continued to the July 24, 2008 Planning Commission meeting.

(Update, May 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 22, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending this item be continued to the June 26, 2008 Planning Commission meeting.

(Update, May 9, 2008. All revised and/or added text is shown in bold print.) This item was continued at the April 24, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending this item be continued to the June 5, 2008 Planning Commission meeting with the applicant's concurrence.

The applicant has submitted a SDCL 11-6-19 Review to construct a lift station within the proposed Hyland Crossing Subdivision. On September 28, 2007, the applicant submitted a Preliminary Plat (#07PL134) to create 40 residential lots as Phase One of the Hyland Crossing Subdivision. The Preliminary Plat has been continued to the April 24, 2008 Planning Commission meeting to allow the applicant to address outstanding issues, including documenting that adequate downstream sewer capacity exists to serve the development.

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The property is located in the southeast of the intersection of Sammis Trail and Vilrickson Place. To date, 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 lift station is a public improvement 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:

**Easements:** To date, a Final Plat has not been approved creating the lift station utility lot and securing an access easement to the facility. As such, staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to secure the necessary easements for the lift station and access to the facility.

**Downstream Capacity:** As noted above, the associated Preliminary Plat has been continued to allow the applicant to document that adequate downstream sewer capacity exists to carry sewer discharge from the lift station. To date, the information has not been submitted for review and approval. As such, staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to submit the information as identified.

**Agreement:** The lift station construction plans were originally submitted with the associated Preliminary Plat application. Staff has met with the applicant and discussed the terms of a lift station agreement to identify funding, management and administrative responsibilities, with completion and implementation schedules, as needed to assure wastewater service will be available prior to occupancy of any new structures or development within the proposed subdivision. In addition, it was identified that the agreement must address capacity allocation. To date, the City Attorney's office and the developer's attorney have not completed the agreement. As such, staff is recommending that this item be continued to allow the agreement to be finalized and executed.

**Permits:** The applicant should be aware that 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. A Permit to work in the right-of-way must also be obtained as needed.

Staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to address the outstanding issues as identified above.