

STAFF REPORT
November 20, 2008

No. 08SR085 - SDCL 11-6-19 Review to extend public water

ITEM 67

GENERAL INFORMATION:

APPLICANT/AGENT	Midland Rushmore LLC/Dream Design International, Inc.
PROPERTY OWNER	FMLC Inc. c/o Julie Lien Rapid City Implement Company Midland Rushmore LLC
REQUEST	No. 08SR085 - SDCL 11-6-19 Review to extend public water
EXISTING LEGAL DESCRIPTION	A strip of land, located in: Lot 2 of Block 1 of East Mall Business Center Subdivision of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat recorded in Book 34 of Plats on Page 176; and in Tract F of Marshall Heights Subdivision No. 2 in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as shown on the plat recorded in Book 23 of Plats on Page 71; and in the unplatted portion of the NE $\frac{1}{4}$ lying north of South Dakota Interstate 90 right-of-way in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and in South Dakota Interstate 90 right-of-way located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and in the unplatted portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$ lying south of SD Interstate 90 right-of-way and north of Eglin Street in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; Said strip of land is twenty-five feet in width, the sides of which are extended and foreshortened to commence on East Mall Drive right-of-way, and the centerline of which strip is more fully described as follows: Beginning at the southeast corner of Lot H1 of Lot 2 of Block 1 of East Mall Business Center Subdivision as shown on the plat recorded in Book 11 of Highway Plats on Page 146 and also coincident with the southwest corner of Lot H5 of the NE $\frac{1}{4}$ of said Section 30, as shown on the plat recorded in Book 11 of Highway Plats on Page 143 and said point being located on the east boundary line of the above described Lot 2 of Block 1 of East Mall Business Center Subdivision; thence, southerly on the east boundary line of the said Lot 2 of Block 1 of East Mall Business Center Subdivision to the southeast corner of said Lot 2 of Block of East Mall Business Center Subdivision, said point being coincident with the northeast corner of the above described Tract F of Marshall Heights Subdivision No. 2; thence, southerly on the east boundary line of said Tract

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F of Marshall Heights Subdivision No. 2, to the southeast corner of said Tract F of Marshall Heights Subdivision No. 2, said point also being located on and coincident with the north right-of-way line of SD Interstate 90; thence, S00°00'41"E, a distance of 26.61 feet more or less; thence, S89°59'19"W, a distance of 128.22 feet more or less; thence, S00°00'41"E, a distance of 262.52 feet more or less to a point located on and coincident with the south right-of-way line of South Dakota Interstate 90, said point also being located on and coincident with the north line of the unplatted portion of the above described N½ SE¼ of Section 30, T2N, R8E; thence, S00°00'41"W, a distance of 61.44 feet more or less along the centerline of a twenty-five foot wide Utility Easement as shown on the Plat of Rushmore Crossing (Sheet 4 of 13) and recorded in Book 34 of Plats on Page 172, to the terminus of said strip of land.

LOCATION	East of North LaCrosse Street and south of East Mall Drive
EXISTING ZONING	General Commercial District - General Commercial District (Planned Commercial Development) - Light Industrial District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District - General Commercial District (Planned Commercial Development)
West:	General Commercial District - General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/26/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to extend public water 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.

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2. A Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation.

GENERAL COMMENTS:

(Update, November 7, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. Staff will notify the Planning Commission at the November 20, 2008 Planning Commission meeting if the stipulation of approval as noted above has been met.

(Update, October 27, 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 revised construction plans addressing the red line comments and to obtain a Permit to Work in the Right-of-way from the South Dakota Department of Transportation. As of this writing, the revised construction plans and the Permit to Work in the Right-of-way have not been resubmitted for review and approval. Staff will notify the Planning Commission at the November 6, 2008 Planning Commission meeting if this stipulation of approval has been met.

The applicant has submitted a SDCL 11-6-19 Review to construct two parallel 16 inch water mains from E. Mall Drive, south across private property and across Interstate 90, to the Rushmore Crossing development. The two water mains will provide a high pressure and a low pressure water connection, respectively, to properties within the area.

The property is located east of North LaCrosse Street and south of East Mall Drive. Currently, two commercial structures are located on the Rapid City Implement Company property and a large retail store is located on the Furniture Row property. The balance of the properties is currently 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 water main(s) are 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:

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 by a Registered

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Professional Engineer construction plans must be returned to the Growth Management Department for review and approval.

Interstate 90: As previously indicated, the construction plans show the extension of the two water mains through the Interstate 90 right-of-way. In particular, the water mains are located in a parallel design along the north side of the Interstate highway, crossing under the highway to connect with an existing water system located in Rushmore Crossing. Staff is recommending that prior to Planning Commission approval, a Permit to Work in the Right-of-way be obtained from the South Dakota Department of Transportation to ensure that they concur with the design and location of the proposed water main extension.

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 from the City prior to any construction within E. Mall Drive.

Staff will recommend that this SDCL 11-6-19 Review be approved at the **November 20, 2008** Planning Commission meeting if the above referenced issues have been addressed.