

STAFF REPORT  
December 18, 2008

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**No. 08SR060 - SDCL 11-6-19 Review to allow the construction of public utility vaults**

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GENERAL INFORMATION:

APPLICANT	City of Rapid City
AGENT	Deon Stockert for Advanced Engineering and Environmental Services, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 08SR060 - SDCL 11-6-19 Review to allow the construction of public utility vaults</b>
EXISTING LEGAL DESCRIPTION	Block 5 of Flormann Addition and Lots 11 thru 32 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 9.0 acres
LOCATION	Southeast of the intersection of Columbus Street and Third Street on Second Street and Third Street
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Low Density Residential District
East:	Park Forest District - Low Density Residential District - General Commercial District
West:	Park Forest District - Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/27/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review **to allow the construction of the southern control vault located within street right-of-way be continued to the January 22, 2009 Planning Commission meeting.**

GENERAL COMMENTS:

**(Update, December 5, 2008. All revised and/or added text is shown in bold print.)**  
**This item was approved in part and continued in part at the October 9, 2008, Planning Commission meeting. In particular, the Planning Commission approved that portion of the SDCL 11-6-19 Review to allow the construction of the northern control vault,**

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located outside of street right-of-way, and piping, located within the Second Street right-of-way. In addition, the Planning Commission continued that portion of the SDCL 11-6-19 Review to allow the construction of the southern control vault located within street right-of-way.

On November 21, 2008, the applicant submitted Vacation of Right-of-way requests to vacate portions of Second Street, South Street and St. James Street. The Vacation of Right-of-way requests will be considered by the Planning Commission on December 18, 2008 and by the City Council on January 20, 2009. As such, staff is recommending that this item be continued to the January 22, 2009 Planning Commission meeting to allow the Vacation of Rights-of-way requests to be considered as identified and to allow the applicant to submit a Parking Plan in compliance with Chapter 17.50.270 of the Rapid City Municipal Code.

(Update, November 11, 2008. All revised and/or added text is shown in bold print.) This item was approved in part and continued in part at the October 9, 2008, Planning Commission meeting. In particular, the Planning Commission approved that portion of the SDCL 11-6-19 Review to allow the construction of the northern control vault, located outside of street right-of-way, and piping, located within the Second Street right-of-way. In addition, the Planning Commission continued that portion of the SDCL 11-6-19 Review to allow the construction of the southern control vault located within street right-of-way. To date, the street right-of-way has not been vacated as required nor has a Parking Plan in compliance with Chapter 17.50.270 of the Rapid City Municipal Code been submitted for review and approval. As such, staff is recommending that this item be continued to the December 18, 2008 Planning Commission meeting to allow the applicant to address the issues.

(Update, October 14, 2008. All revised and/or added text is shown in bold print.) This item was approved in part and continued in part at the October 9, 2008, Planning Commission meeting. In particular, the Planning Commission approved that portion of the SDCL 11-6-19 Review to allow the construction of the northern control vault, located outside of street right-of-way, and piping, located within the Second Street right-of-way. In addition, the Planning Commission continued that portion of the SDCL 11-6-19 Review to allow the construction of the southern control vault located within street right-of-way. To date, the street right-of-way has not been vacated as required nor has a Parking Plan in compliance with Chapter 17.50.270 of the Rapid City Municipal Code been submitted for review and approval. As such, staff is recommending that this item be continued to the November 20, 2008 Planning Commission meeting to allow the applicant to address the issues.

(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. As such, staff is recommending that 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. As of this writing, the required information has not been

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submitted for review and approval. As such, staff is recommending that this item be continued to the September 4, 2008 Planning Commission meeting.

The applicant has submitted a SDCL 11-6-19 Review 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 operation of the Low Level Pressure Zone. The applicant has also submitted a SDCL 11-6-19 Review (File #08SR059) 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 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.

The property is located southeast of the intersection of Columbus Street and Third Street on Second Street and Third Street.

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 control vaults 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 Park Forest District. The City's Future Land Use Plan identifies the appropriate use of the property as residential. A "utility substation" is a conditional use in the Park Forest District. As noted above, the control vaults and the associated 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.

**Right-of-way:** Second Street is located along the east lot line of the property and serves as access to the existing Signal Hill water facility and the rear yards of the adjacent lots. Currently, Second Street is located within an 80 foot wide right-of-way. That portion of the street located adjacent to the property has been constructed with an approximate 16 foot wide graveled surface. In addition, South Street is located within the northern portion of the

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site. South Street is located within a 100 foot wide right-of-way and that portion of the street located adjacent to the property is currently unimproved. The two existing water reservoirs appear to be partially located within the adjacent Second Street and South Street rights-of-way. As such, a portion of the South Street right-of-way and the Second Street right-of-way must be vacated to eliminate the encroachment.

Staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to vacate the right(s)-of-way as needed. However, since Second Street also currently serves as access to properties located along the east side of the street, a portion of the right-of-way or an access easement must be retained. In addition, all of the adjacent property owners must also sign the Vacation of Right-of-way petition.

Parking: The applicant has indicated that employees servicing the site currently park in Second Street along the existing 16 foot wide graveled road. However, the Rapid City Municipal Code requires that a minimum of two paved off-street parking spaces be provided for the use. In addition, one of the parking spaces must be "van" handicap accessible. Vacating a portion of Second Street as identified above may create a parking area on the south side of the chained controlled entryway to the site for employee parking.

Staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to submit a Parking Plan in compliance with Chapter 17.50.270 of the Rapid City Municipal Code.

Landscaping: To date, a Landscaping Plan for the developed area of the property has not been submitted for review and approval. However, the Landscape Regulations state that all property with existing development shall be allowed to continue until such time as a building permit is granted to enlarge by 20% or more a structure or parking lot on the property. The two proposed control vaults do not exceed a 20% structural expansion on the property. As such, a Landscaping Plan is not required.

Permits: A Building Permit must be obtained prior to the installation of the two control vaults. 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.

Staff is recommending that the SDCL 11-6-19 Review be continued to the **January 22, 2009** Planning Commission meeting to allow the applicant to address the outstanding issues as identified above.