

STAFF REPORT
January 22, 2009

No. 09SR001 - SDCL 11-6-19 Review to authorize the acquisition of a public utility easement ITEM 55

GENERAL INFORMATION:

APPLICANT	Hidden Valley, Inc.
AGENT	Lawrence M. Kostaneski for Centerline, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR001 - SDCL 11-6-19 Review to authorize the acquisition of a public utility easement
EXISTING LEGAL DESCRIPTION	Lot 2 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 6.38 acres
LOCATION	1930 Promise Road
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Business Park District
South:	Office Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Commercial Development)
West:	Office Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/7/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to authorize the acquisition of a public utility easement be approved if the following additional information is submitted prior to Planning Commission approval:

1. A revised plan and profile re-aligning the sewer main to preclude a manhole being constructed between Lots 4B and Lot 5A, Block 1 shall be submitted for review and approval; and,
2. The easement shall be a minimum width of 20 feet as per City standards.

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GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to authorize the acquisition of a public utility easement for the future construction of a sewer main across City owned property. The applicant has indicated that the sewer main will be extended across the property to serve a portion of the Skyline Village development proposed on the adjacent property.

The applicant has also submitted an Initial Planned Unit Development (File #08PD067) to allow the construction of 46 townhome units and two single family residences as a part of Phase One and all of Phase Two of Skyline Village, located on the adjacent property. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #08SV059) to waive the requirement to install sewer along a portion of Vineyard Lane, to waive the requirement to install sidewalk along the north side of Vineyard Lane, to waive the requirement to dedicate the section line highway(s) as right-of-way, and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the section line highway(s) as they abut portions of the east lot line and the south lot line of the proposed Skyline Village development, respectively.

On November 6, 2006, the City Council approved a Layout Plat (File #06PL160) for the Skyline Village development to create 67 townhome lots and six larger lots. On October 6, 2008, the City Council approved a one year extension of approval for the Layout Plat.

The property is located approximately 450 feet west of the intersection of U.S. Highway 16 and Promise Road on the north side of Promise Road. Currently, a City Fire Station is located on the property.

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 property is owned by the City. 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:

Sewer Alignment: As previously noted, a City fire station is currently located on the property. The applicant has submitted a plan and profile showing the extension of a sewer main from Promise Road across City property to a proposed cul-de-sac within the eastern portion of Skyline Village. In particular, the plan shows the sewer main extending from Promise Road through a parking lot located on the north side of the fire station, between two proposed lots within Skyline Village and connecting with a proposed manhole to be located within the proposed cul-de-sac street. In addition, the profile shows the elevations for the proposed sewer main.

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Staff has reviewed the plan and noted that the current alignment shows a manhole to be located on private property between proposed Lots 4B and 5A, Block 1. Due to maintenance concerns with a manhole on private property, staff is recommending that prior to Planning Commission approval, the plan be revised to show the sewer main realigned to eliminate the need to construct a manhole on private property as identified.

The applicant has also submitted information demonstrating that the proposed sewer alignment across public property is needed in lieu of extending sewer along Promise Road in order to gravity sewer the proposed lots in the northeast corner of Skyline Village. As such, staff recommends that the request to authorize the acquisition of a public utility easement be approved with the stipulation that a revised plan be submitted for review and approval as identified prior to Planning Commission approval.

The applicant should also be aware that complete construction plans for the sewer main must be submitted for review and approval by the Planning Commission as a part of a Preliminary Plat application for Skyline Village or as a subsequent SDCL 11-6-19 Review prior to the start of construction.

Easement: On January 14, 2009, the Legal and Finance Committee recommended approval of a request to authorize staff to prepare the documents granting a public easement across City property. City Council will consider the request at their January 20, 2009 City Council meeting.

The applicant should be aware that the terms of the easement will identify maintenance of the sewer main across City property as well as the terms for maintaining access along Promise Road and through the site during the construction of the project.

The applicant should also be aware that once the easement document(s) are complete, the applicant must request the City Council to authorize the Mayor and Finance Officer to sign the document(s).

Staff will recommend that the SDCL 11-6-19 Review be approved if the above referenced information is submitted for review and approval prior to Planning Commission approval.