

STAFF REPORT
May 7, 2009

No. 09SR033 - SDCL 11-6-19 Review to authorize granting of a utility easement and to construct a public utility on public property **ITEM 13**

GENERAL INFORMATION:

APPLICANT	Black Hills Power
AGENT	Alan Van Bochove
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR033 - SDCL 11-6-19 Review to authorize granting of a utility easement and to construct a public utility on public property
EXISTING LEGAL DESCRIPTION	Lots 1 and 2 of the SE1/4 NE1/4 of Section 3, T1N, R7E (as shown in the Plat Book 7 page 59) and Tract 10A of the Rapid City Greenway Tracts as shown in Plat Book 17 page 106, located in the SE1/4 NE1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 74.96 acres
LOCATION	1015 and 915 Mountain View Road
EXISTING ZONING	Medium Density Residential District (Planned Residential Development) - Park Forest District
SURROUNDING ZONING	
North:	Shopping Center 2 District
South:	Park Forest District
East:	General Commercial District
West:	Park Forest District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	4/9/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to authorize granting of a utility easement and to construct a public utility on public property be continued to the May 21, 2009 Planning Commission meeting to allow the applicant to submit additional information.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to relocate a portion of the existing

STAFF REPORT

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underground electric line that extends through the property. To date, the City, being the property owner, has not granted an easement for the existing electrical line that extends through the property. As such, the applicant is also requesting the authorization to grant a utility easement for both the existing and the proposed relocated underground electric line.

On September 25, 2008, the Planning Commission approved a Final Planned Residential Development to remodel the existing skilled nursing facility known as "Clarkson Mountain View Health Care Facility" currently located on a portion of the property. The project includes the removal and reconstruction of two existing wings and the administrative area and the construction of two additional wings. As a result of the expansion, the underground electric line currently located along the southwest corner of the building must be relocated. As such, the applicant has submitted this application for review and approval.

The property is located north of Jackson Boulevard, south of Canyon Lake Drive and west of Mountain View Road. The "Clarkson Mountain View Health Care Facility" is currently located on the southern portion of the property and Regional Behavioral Health Center is located on the northern portion of the property.

STAFF REVIEW:

Staff has reviewed the SDCL 11-6-19 Review and has noted the following considerations:

Design Plans: A 24 inch water main currently extends through the property within the area of the proposed relocated underground electric line. In addition, the construction plans previously approved as a part of the remodeling project for the Clarkson Mountain View Health Care Facility identify drainage improvements within this area. To date, the applicant has not submitted design plans demonstrating that the underground electric line will be constructed to avoid conflict with the existing water main and/or the proposed drainage improvements.

Staff recommends that the SDCL 11-6-19 Review be continued to allow the applicant to submit a utility and drainage conflict analysis plan showing the proposed improvements in relation to the existing utilities and the proposed drainage improvements within this same area of the property.

Floodplain Development Permit: As previously indicated, the applicant is proposing to relocate a portion of the existing underground electric line located along the southwest corner of the Clarkson Mountain View Health Care Facility building. This portion of the property is located within the 100 year Federally Designated Floodplain. As such, a Floodplain Development Permit must be obtained.

Staff recommends that the SDCL 11-6-19 Review be continued to allow the applicant to obtain a Floodplain Development permit as required.

Easement: The applicant has submitted an Exhibit "A" showing a metes and bounds location for the requested easement. The Exhibit "A" document has been sealed and signed by a registered land surveyor. The associated easement document requires the signature of the

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Mayor and the Finance Officer. The applicant should be aware that once this SDCL 11-6-19 Review is approved, a request must be submitted to the City Council to grant the easement and to authorize the Mayor and Finance Officer to sign the easement document.

The applicant should also be aware that the Exhibit "A" may require revisions if the associated utility and drainage conflict plan identifies that any portion of the existing or proposed underground electric line must be relocated.

Staff recommends that the SDCL 11-6-19 Review be continued to the May 21, 2009 Planning Commission meeting to allow the applicant to submit the additional information as outlined above.