

## STAFF REPORT

June 4, 2009

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### **No. 09SR044 - SDCL 11-6-19 Review to construct a public water storage tank and to extend a public water main** **ITEM 12**

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#### GENERAL INFORMATION:

APPLICANT	Rapid Valley Sanitary District - Water Service
AGENT	Rich Marsh for CETEC Engineering
PROPERTY OWNER	Doyle D. Estes
REQUEST	<b>No. 09SR044 - SDCL 11-6-19 Review to construct a public water storage tank and to extend a public water main</b>
EXISTING LEGAL DESCRIPTION	Government Lot 1 less right-of-way, SE¼ NE¼ less right-of-way, East 53rd Street right-of-way from Lot 1 of SE¼ SE¼ to SE¼ NE¼ less right-of-way, Section 3, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 42.88 acres
LOCATION	0.82 miles north of the intersection of Reservoir Road and Twilight Drive
EXISTING ZONING	Office Commercial District (Planned Development Designation) - Low Density Residential District
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)
DATE OF APPLICATION	5/8/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

#### RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to construct a public water storage tank and to extend a public water main be approved.

#### GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to construct a 1.85 million gallon concrete water reservoir and to install a 16 inch water main extending from the reservoir approximately 3,900 linear feet south along Reservoir Road. In addition, the project includes constructing an 18 inch emergency tank drain on the west side of the water reservoir. The project is being constructed in order to provide additional storage for the

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Rapid Valley Sanitary District low pressure water system.

South Dakota Codified Law 11-6-19 states that “whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in § 11-6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission”. The request to reconstruct a public water reservoir and to extend a public water main along a public street are all public improvements. In addition, the property is identified 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 Office Commercial District with a Planned Development Designation. The City’s Future Land Use Plan identifies the appropriate use of the property as Office Commercial with a Planned Commercial Development. A “utility substation” is a conditional use in the Office Commercial District. The water reservoir will provide some of the necessary distribution system infrastructure improvements needed to support continued growth within this area.

The use of the property as a water reservoir site is in compliance with the existing zoning and the City’s adopted Comprehensive Plan.

**Design:** The 1.85 million gallon reservoir is designed as a partially buried structure with a maximum height of approximately 30 feet. In addition, the applicant has indicated that the reservoir will be constructed with concrete and will be tan and/or brown in color.

The applicant should be aware that the proposed structure(s) must conform architecturally to the plans and elevations and the color palette reviewed and approved as part of this SDCL 11-6-19 Review.

**Access:** The construction plans submitted with this application originally identified a gravel approach being constructed from Reservoir Road to serve as access to the proposed paved parking lot located north of the water reservoir. However, the City’s Parking Regulations state that the approach must be paved. In particular, the Parking Regulations cites that off-street parking areas, including the approach, must be paved and maintained so as to eliminate dust and mud. The applicant has subsequently submitted revised construction plans showing that the approach will be paved as required. The applicant should be aware that prior to issuance of a Certificate of Occupancy, the approach must be paved as proposed.

**Parking:** The applicant has submitted a Parking Plan showing two paved parking spaces

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located north of the water reservoir site. In addition, one of the parking spaces is "van" handicap accessible. Prior to issuance of a Certificate of Occupancy, the parking spaces must be constructed as proposed.

Landscaping: The applicant has submitted a landscape plan showing that 68,321 landscape points will be provided. A minimum of 62,652 landscape points must be provided. The applicant's landscape plan is in compliance with the City's Landscape Ordinance.

Prior to issuance of a Certificate of Occupancy, the landscaping must be planted as required. In addition, all landscaping must be continually maintained in a live vegetative state and replaced as necessary.

Fencing: An existing 4 foot high barbed wire fence is currently located around portions of the water reservoir site. The applicant's site plan identifies extending the 4 foot high barbed wire fence to enclose the reservoir site on a temporary basis. In addition, the site plan identifies that the 4 foot high barbed wire fence will be replaced with a permanent 6 foot high chain link fence with one foot of barbed wire once the water reservoir has been constructed. The applicant has indicated that the temporary barbed wire fence is being constructed to keep livestock away from the construction site. In addition, the 7 foot high permanent fence is being constructed to provide security around the water reservoir.

Chapter 15.40 of the Rapid City Municipal Code states that a fence shall not exceed 4 feet in the front yard of the Office Commercial District. In addition, barbed wire fencing around a utility substation must be at least 6 feet above the ground. As such, a Fence Height Exception is required for both the temporary fence and the permanent fence. The applicant has subsequently submitted an addendum to the construction plans identifying that the fencing is being removed from this review. In addition, the applicant has indicated that a separate SDCL 11-6-19 Review and Fence Height Exception requests will be submitted for the proposed permanent fencing in the near future.

Permits: A Building Permit must be obtained prior to the installation of the water reservoir. 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. A Permit to Work in the Right-of-way must also be obtained from the Pennington County Highway Department and from the City, respectively, prior to any construction within Reservoir Road.

The location and extent of the proposed water reservoir and water main are consistent with the adopted Comprehensive Plan and the related regulations. As such, staff recommends that the SDCL 11-6-19 Review to construct a public water storage tank and to extend a public water main be approved.