

STAFF REPORT
October 22, 2009

No. 08SR033 - SDCL 11-6-19 Review to allow the construction of a lift station ITEM 6

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Hyland Park LLC
REQUEST	No. 08SR033 - SDCL 11-6-19 Review to allow the construction of a lift station
EXISTING LEGAL DESCRIPTION	A portion of the unplatted balance of the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 120.00 acres
LOCATION	Southeast of the intersection of Sammis Trail and Vilrickson Place
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/28/2008
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a lift station be **denied without prejudice.**

GENERAL COMMENTS:

(Update: October 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the September 24, 2009 Planning Commission meeting to allow the applicant to submit additional information. The applicant was also put on notice that if the information was not submitted for review and approval by September 25, 2009 in order to be reviewed for the October 22, 2009 Planning Commission meeting, staff would recommend that this item be denied without prejudice. To date, the information has not been submitted for review and approval. As such, staff recommends that the SDCL 11-6-19 Review request be denied without prejudice. The applicant may resubmit a SDCL 11-6-19 Review application once the outstanding

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issues have been addressed.

(Update, September 12, 2009. All revised and/or added text is shown in bold print.) This item was continued at the June 25, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the required information has not been submitted for review and approval. As such, staff recommends that the SDCL 11-6-19 Review be continued to the October 22, 2009 Planning Commission meeting. If the information is not submitted for review and approval by September 25, 2009 in order to be reviewed for the October 22, 2009 Planning Commission meeting, staff will recommend at the October 22, 2009 meeting that this item be denied without prejudice. The applicant can resubmit a SDCL 11-6-19 Review application once the outstanding issues have been addressed.

(Update, June 12, 2009. All revised and/or added text is shown in bold print.) This item was continued at the May 21, 2009 Planning Commission meeting to allow the applicant to submit additional information. To date, the required information has not been submitted for review and approval. The applicant has subsequently requested that this item be continued to the September 24, 2009 Planning Commission meeting to allow them additional time to resolve the outstanding issues. As such, staff recommends that the SDCL 11-6-19 Review be continued to the September 24, 2009 Planning Commission meeting at the applicant's request.

(Update, May 8, 2009. All revised and/or added text is shown in bold print.) This item was continued at the January 22, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the required information has not been submitted for review and approval. The applicant has subsequently requested that this item be continued to the June 25, 2009 Planning Commission meeting to allow them additional time to resolve the outstanding issues. As such, staff recommends that the SDCL 11-6-19 Review be continued to the June 25, 2009 Planning Commission meeting at the applicant's request.

(Update, January 9, 2009. All revised and/or added text is shown in bold print.) This item was continued at the December 18, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the required information has not been submitted for review and approval. The applicant has subsequently requested that this item be continued to the May 21, 2009 Planning Commission meeting to allow them additional time to resolve the outstanding issues. As such, staff recommends that the SDCL 11-6-19 Review be continued to the May 21, 2009 Planning Commission meeting at the applicant's request.

(Update, December 5, 2008. All revised and/or added text is shown in bold print.) This item was continued at the November 20, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the required information has not been submitted for review and approval. As such, staff is recommending this item be continued to the January 22, 2008 Planning Commission meeting.

(Update, October 23, 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

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to submit additional information. To date, the required information has not been submitted for review and approval. As such, staff is recommending this item be continued to the December 18, 2008 Planning Commission meeting.

(Update, October 10, 2008. All revised and/or added text is shown in bold print.) This item was continued at the September 25, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the required information has not been submitted for review and approval. As such, staff is recommending this item be continued to the November 20, 2008 Planning Commission meeting.

(Update, September 11, 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. To date, the required information has not been submitted for review and approval. As such, staff is recommending 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. To date, the required information has not been submitted for review and approval. As such, staff is recommending this item be continued to the September 25, 2008 Planning Commission meeting.

(Update, July 11, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 26, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the required information has not been submitted for review and approval. As such, staff is recommending this item be continued to the August 21, 2008 Planning Commission meeting.

(Update, June 13, 2008. All revised and/or added text is shown in bold print.) This item was continued at the June 4, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending this item be continued to the July 24, 2008 Planning Commission meeting.

(Update, May 26, 2008. All revised and/or added text is shown in bold print.) This item was continued at the May 22, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending this item be continued to the June 26, 2008 Planning Commission meeting.

(Update, May 9, 2008. All revised and/or added text is shown in bold print.) This item was continued at the April 24, 2008 Planning Commission meeting to allow the applicant to submit additional information. To date, the information has not been submitted for review and approval. As such, staff is recommending this item be continued to the June 5, 2008 Planning Commission meeting with the applicant's concurrence.

The applicant has submitted a SDCL 11-6-19 Review to construct a lift station within the

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proposed Hyland Crossing Subdivision. On September 28, 2007, the applicant submitted a Preliminary Plat (#07PL134) to create 40 residential lots as Phase One of the Hyland Crossing Subdivision. The Preliminary Plat has been continued to the April 24, 2008 Planning Commission meeting to allow the applicant to address outstanding issues, including documenting that adequate downstream sewer capacity exists to serve the development.

The property is located in the southeast of the intersection of Sammis Trail and Vilrickson Place. To date, the property is 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 lift station is a public improvement and 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 and has noted the following considerations:

Easements: To date, a Final Plat has not been approved creating the lift station utility lot and securing an access easement to the facility. As such, staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to secure the necessary easements for the lift station and access to the facility.

Downstream Capacity: As noted above, the associated Preliminary Plat has been continued to allow the applicant to document that adequate downstream sewer capacity exists to carry sewer discharge from the lift station. To date, the information has not been submitted for review and approval. As such, staff is recommending that the SDCL 11-6-19 Review be continued to allow the applicant to submit the information as identified.

Agreement: The lift station construction plans were originally submitted with the associated Preliminary Plat application. Staff has met with the applicant and discussed the terms of a lift station agreement to identify funding, management and administrative responsibilities, with completion and implementation schedules, as needed to assure wastewater service will be available prior to occupancy of any new structures or development within the proposed subdivision. In addition, it was identified that the agreement must address capacity allocation. To date, the City Attorney's office and the developer's attorney have not completed the agreement. As such, staff is recommending that this item be continued to allow the agreement to be finalized and executed.

Permits: The applicant should be aware that an Air Quality Permit must be obtained from the City prior to any surface disturbance of one or more acres. An Erosion and Sediment

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Control Permit in compliance with the adopted Stormwater Quality Manual must also be obtained. A Permit to work in the right-of-way must also be obtained as needed.

Staff is recommending that the SDCL 11-6-19 Review be **denied without prejudice.**