

STAFF REPORT  
November 5, 2009

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**No. 09SR074 - SDCL 11-6-19 Review to install public utilities**

**ITEM 28**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	SSST, LLC
REQUEST	<b>No. 09SR074 - SDCL 11-6-19 Review to install public utilities</b>
EXISTING LEGAL DESCRIPTION	Located in the SW1/4 of the SW1/4 of Section 16, in the SE1/4 of the SE1/4 of Section 17, in the NW1/4 of the NE1/4 and the NE1/4 and the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
LEGAL DESCRIPTION	
PARCEL ACREAGE	Approximately 6.4 Acres
LOCATION	Southeast of Elk Vale Road and southwest of the existing Plum Creek Development
EXISTING ZONING	General Agriculture District - General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District - General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	General Agriculture District
PUBLIC UTILITIES	City Sewer and Water
DATE OF APPLICATION	7/31/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: Staff recommends that the SDCL 11-6-19 Review to install public utilities be continued to the **November 19, 2009** Planning Commission meeting.

GENERAL COMMENTS: **(Update, October 28, 2009. All revised and/or added text is shown in bold print.) This item was continued to the November 5, 2009 Planning Commission meeting to allow the applicant to submit the required information.** (Update, September 15, 2009. All revised and/or added text is shown in bold print.) This item was continued to the August 27, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been

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submitted. As such, staff recommends that this item be continued to the November 5, 2009 Planning Commission meeting. The applicant has submitted a SDCL 11-6-19 Review to extend a 16 inch water main and an 8 inch sewer main along the future Marlin Drive, a distance of approximately 2800 feet. The water main and sewer main will connect to the existing water and sewer main located in Marlin Industrial Park adjacent to Creek Drive and will be extended to connect with the existing water and sewer mains located at the intersection of Marlin Drive and Minnesota Street.

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 extend a water and sewer main in the Marlin Drive right-of-way is a public improvement. 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:

Construction Plans: A signed sealed set of construction plans and a cost estimate must be submitted prior to Planning Commission approval. A 16 inch water line is required along Marlin Drive. As such, the applicant must request an Oversize Agreement. The Public Works Department staff is requesting that an Oversize Agreement be in place prior to approval of the SDCL 11-6-19 Review application. **The signed sealed set of construction plans and the Oversize Agreement has not been submitted to date. Staff received the cost estimate on October 17, 2009. (Revised 10-28-09)**

Redline Comments: Staff is recommending that prior to Planning Commission approval, all redline comments made on the submitted plans and on the water analysis report must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department. **The redlined drawings have been addressed and the drawings returned to the Growth Management Department. (Revised 10-28-09)**

Permits: A Permit to Work in the Right-of-way and an Air Quality Permit must be obtained prior to the start of construction.

Staff recommends that the SDCL 11-6-19 Review be continued to the September 24, 2009 Planning Commission meeting to allow the applicant to submit a request for an Oversize Agreement, return all redline comments for review and approval, submit a signed sealed set of construction plans and a cost estimate.

**Staff recommends that the SDCL 11-6-19 Review to install public utilities along Marlin Drive be continued to the November 19, 2009 Planning Commission meeting to allow**

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**the Oversize Agreement to be in place and to have the applicant submit the signed sealed set of construction plans.**