

STAFF REPORT  
February 4, 2010

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**No. 10SR003 - SDCL 11-6-19 Review to Construct a Public Utility      ITEM 34**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Buntrock - Graziano - Ward Development Company, LLC
REQUEST	<b>No. 10SR003 - SDCL 11-6-19 Review to Construct a Public Utility</b>
EXISTING LEGAL DESCRIPTION	The north 165 feet of the east 185 feet of the E1/2 NE1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.701 acres
LOCATION	West of Dunsmore Road between Poppy Trail and Portrush Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Low Density Residential District
East:	Low Density Residential District (Planned Residential Development)
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	1/20/2010
REVIEWED BY	Ali DeMersseman / Mary Bosworth

RECOMMENDATION:

If the Planning Commission determines it is appropriate to waive the pavement of the proposed parking and access drive at this time, then staff will recommend that the SDCL 11-6-19 Review to Construct a Public Utility be approved.

GENERAL COMMENTS: The applicant has submitted a SDCL 11-6-19 Review to construct a public utility on private property. In particular, the applicant is proposing to construct a 9 foot by 10 foot, below grade meter pit on the site. The property currently contains an existing well and an electrical panel.

On September 17, 2009, the Planning Commission approved a SDCL 11-6-19 Review to authorize the acquisition of the existing well, an accessory electrical panel, and to acquire

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an area of property measuring 165 feet by 185 feet (No. 09SR077). In addition, the applicant created an H Lot in order to transfer ownership of this portion of the 39.95 acre parcel to the City. To date, the H Lot has not been recorded at the Register of Deed's Office.

The site is located at the northern terminus of Dunsmore Road. The property to the east and south of the site is zoned Low Density Residential District with a Planned Residential Development. The property to the west of the site is zoned General Agricultural District, and the property to the north of the site is zoned General Agriculture District by Pennington County.

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 water meter is part of a public utility system. 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 Review request and has noted the following considerations:

Meter Pit: The proposed meter pit is 7 feet 8 inches deep, 9 feet long and 10 feet wide. The meter pit will be entirely below grade, with the exception of a 30 inch by 36 inch galvanized steel roof hatch that will rise approximately 9 inches above the ground. Staff recommends that the meter pit be constructed in compliance with the approved plans.

Access Road and Parking: The applicant is proposing an approximately 125 foot long and 12 foot wide graveled access road from Dunsmore Road to the site, as well as a 20 foot by 16 foot graveled parking area. Two off-street parking spaces, including one ADA accessible space, are required at public utility stations. In addition, Rapid City Municipal Code, Section 17.50.270.G, requires that off-street parking areas, as well as access to parking facilities be paved.

The applicant submitted a request to waive the above stated parking regulations, and indicated that the parking area will be used approximately once per month during the grass irrigation season to read the meter. In addition, the applicant indicated that the proposed parking facility is temporary, and a parking facility will be constructed to meet City codes when the site is developed with a well house. If the Planning Commission determines it is appropriate to waive the pavement of the proposed parking and access drive at this time, then staff will recommend that the SDCL 11-6-19 Review be approved.

The location and extent of the proposed public utility is consistent with the adopted Comprehensive Plan and the related regulations except as noted above. As such, if the

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