

STAFF REPORT

May 6, 2010

No. 09SR048 - SDCL 11-6-19 Review to construct a public water main, storm sewer and drainage improvements **ITEM 19**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	DTH, LLC
REQUEST	No. 09SR048 - SDCL 11-6-19 Review to construct a public water main, storm sewer and drainage improvements
EXISTING LEGAL DESCRIPTION	The unplatted S1/2 NE1/4 less Rainbow Ridge Subdivision and less right-of-way, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 61.89 Acres
LOCATION	At the western terminus of Sagewood Street and Alma Street
EXISTING ZONING	Low Density Residential District (Planned Development Designation) - Park Forest District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Agriculture District - General Agriculture District (Pennington County)
South:	Low Density Residential District
East:	Low Density Residential District (Planned Residential Development)
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	5/29/2009
REVIEWED BY	Travis Tegethoff / Mary Bosworth / Patsy Horton / Vicki Fisher

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to construct a public water main, storm sewer and drainage improvements be approved if the following issue is addressed prior to Planning Commission approval:

- 1. The request that the City accept maintenance of the access road and drainage pond(s) shall be approved by City Council or the applicant shall submit**

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documentation identifying the legal entity which will provide the mechanism for the maintenance of the facilities.

GENERAL COMMENTS:

(Update: April 23, 2010. All revised and/or added text is shown in bold print.) This item was continued at the April 22, 2010 Planning Commission meeting to allow the applicant to identify maintenance of the access and drainage pond(s). The applicant has subsequently submitted a written request that the City accept maintenance of the facilities. The request must be considered by the Public Works Committee and the City Council.

Staff recommends that prior to Planning Commission approval, the applicant obtain approval from the City Council to accept maintenance of the access road and drainage pond(s) or the applicant must submit documentation identifying the legal entity which will provide the mechanism for the maintenance of the facilities.

(Update: April 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the April 8, 2010 Planning Commission meeting to allow the applicant to revise the construction plans and to submit a drainage plan. The applicant has subsequently submitted the revised construction plans and a drainage plan. Staff has reviewed the drainage plan and has noted red line comments that must be addressed. In addition, access and utility easements and major drainage easement(s) must be secured for the proposed improvements. The applicant must also identify who is responsible for the maintenance of the access road and the drainage pond(s). If the applicant proposes for the City to maintain the access road and drainage pond(s), then a request must be submitted to the City Council to accept maintenance of these facilities. If the applicant proposes to maintain the access road and the drainage pond(s), then the applicant must submit proof of the legal entity which will provide the mechanism for the maintenance of the facilities. Staff will notify the Planning Commission at the April 22, 2010 Planning Commission meeting if these issues have not been addressed.

(Update: March 27, 2010. All revised and/or added text is shown in bold print.) This item was continued at the March 25, 2010 Planning Commission meeting to allow the applicant to address red line comments and to submit a drainage plan. Staff will notify the Planning Commission at the April 8, 2010 Planning Commission meeting if these issues have not been addressed.

(Update: March 16, 2010. All revised and/or added text is shown in bold print.) This item was continued to the March 25, 2010 Planning Commission meeting to allow the applicant to submit revised construction plans. The applicant has subsequently submitted revised construction plans. Staff has reviewed the plans and noted that prior to Planning Commission approval, all red line comments must be addressed. In addition, the red lined drawings must be returned to the Growth Management Department.

(Update, February 19, 2010. All revised and/or added text is shown in bold print.) This item was continued to the March 4, 2010 Planning Commission meeting to allow the applicant to

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submit revised construction plans. To date, the revised construction plans have not been submitted for review and approval. The applicant has indicated that the plans should be submitted by March 8, 2010 to be considered at the March 25, 2010 Planning Commission meeting.

Staff recommends that the SDCL 11-6-19 Review be continued to the March 25, 2010 Planning Commission meeting to allow the applicant additional time to submit the revised construction plans.

(Update, February 10, 2010. All revised and/or added text is shown in bold print.) This item was continued to the February 18, 2010 Planning Commission meeting to allow the applicant to submit revised construction plans. To date, the revised construction plans have not been submitted for review and approval. The applicant has, subsequently, requested that the SDCL 11-6-19 Review be continued to the March 4, 2010 Planning Commission meeting to allow them additional time to complete the plans.

Staff recommends that the SDCL 11-6-19 Review be continued to the March 4, 2010 Planning Commission meeting as requested by the applicant.

(Update, December 2, 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. Staff and the applicants met on site to resolve the outstanding issues. The applicant requested that this item be continued to the February 18, 2010 Planning Commission meeting to allow additional time to submit the required information. As such, staff recommends that this item be continued to the February 18, 2010 Planning Commission meeting.

(Update, October 26, 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. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the December 10, 2009 Planning Commission meeting.

(Update, September 29, 2009. All revised and/or added text is shown in bold print.) This item was continued to the October 8, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the November 5, 2009 Planning Commission meeting.

(Update, September 2, 2009. All revised and/or added text is shown in bold print.) This item was continued to the September 10, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the October 8, 2009 Planning Commission meeting.

(Update, August 17, 2009. All revised and/or added text is shown in bold print.) This item

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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 submitted. As such, staff recommends that this item be continued to the September 10, 2009 Planning Commission meeting.

(Update, July 27, 2009. All revised and/or added text is shown in bold print.) This item was continued to the August 6, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the August 27, 2009 Planning Commission meeting.

(Update, July 14, 2009. All revised and/or added text is shown in bold print.) This item was continued to the July 23, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the August 6, 2009 Planning Commission meeting.

(Update, June 26, 2009. All revised and/or added text is shown in bold print.) This item was continued to the July 9, 2009 Planning Commission meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be continued to the July 23, 2009 Planning Commission meeting.

The applicant has submitted SDCL 11-6-19 Review to extend a water main and install storm drainage improvements at the western end of Sagewood Street. This project is associated with an agreement between the developer and the City of Rapid City. The developer is responsible for the design of the booster station and the design and construction of the water transmission main.

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 construction is a public utility requiring that the Planning Commission review and approve the proposed construction.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Master Plan: Staff noted that proposed road system does not match the previously approved Layout Plat (#04PL014) for the property. As such, staff recommends that this item be continued to the February 18, 2010 Planning Commission meeting to allow the applicant to submit a revised master plan demonstrating adequate access to the adjacent properties.

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(Update: February 10, 2010.) The applicant has submitted a Master Plan of the property demonstrating future access within the site and to the adjacent properties.

Access: Staff noted that the applicant is proposing a 12 foot wide gravel surface to provide access to the proposed improvements. However, a minimum 20 foot wide all-weather surface is required for emergency vehicle access. In addition, no easements are currently in place to provide access to the proposed public utilities. As such, staff recommends that this item be continued to the February 18, 2010 Planning Commission meeting to allow the applicant to submit revised plans for review and approval and to record the required easements with the Pennington County Register of Deeds Office.

(Update: February 10, 2010.) The applicant has indicated that revised construction plans will be submitted for review and approval which show the driveway in a slightly alternate location that originally proposed. To date, the construction plans have not been submitted for review and approval. The applicant has subsequently requested that this item be continued to the March 4, 2010 Planning Commission meeting to allow them additional time to complete the plans.

(Update: March 16, 2010.) As previously indicated, the applicant has submitted revised construction plans. Staff has reviewed the plans and noted that prior to Planning Commission approval, all red line comments must be addressed. In addition, the red lined drawings must be returned to the Growth Management Department.

(Update: March 27, 2010.) As previously indicated, the applicant has submitted revised construction plans. Staff has reviewed the plans and noted that prior to Planning Commission approval, all red line comments must be addressed. In addition, the red lined drawings must be returned to the Growth Management Department.

Water Main: Water main plans prepared by a Registered Professional Engineer showing the extension of a water main on the legally described property have been submitted for review and approval. Staff is recommending that prior to Planning Commission approval, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department.

Drainage: A grading plan prepared by a Registered Professional Engineer for the legally described property has been submitted for review and approval. Staff is recommending that prior to Planning Commission approval, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department.

(Update: March 16, 2010.) Prior to Planning Commission approval, a drainage plan must be submitted for review and approval.

(Update: March 27, 2010.) Prior to Planning Commission approval, a drainage plan must be submitted for review and approval.

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(Update: April 12, 2010.) As previously indicated, a drainage plan has been submitted for review and approval. Staff has reviewed the drainage plan and noted red line comments that must be addressed. As such, staff recommends that prior to Planning Commission approval, a revised drainage plan be submitted for review and approval addressing all red line comments.

Stormwater Management Plan: The City Council has recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff is recommending that prior to approval by the Planning Commission, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if required.

(Update: March 16, 2010.) The applicant has submitted an Erosion and Sediment Control Plan as required.

Redline Comments: Staff is recommending that prior to Planning Commission approval, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department.

The location and extent of the proposed public water main, storm sewer and drainage improvements is consistent with the adopted Comprehensive Plan and the related regulations. As such, staff will recommend that the SDCL 11-6-19 Review be approved if the above noted issue is addressed prior to Planning Commission approval of this item.