

STAFF REPORT

June 24, 2010

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**No. 09SR123 - SDCL 11-6-19 Review to extend public utilities**

**ITEM 4**

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GENERAL INFORMATION:

APPLICANT/AGENT	Kent R. Hagg for Hagg Development, Inc.
PROPERTY OWNER	Kent R. Hagg for Hagg Development, Inc.
REQUEST	<b>No. 09SR123 - SDCL 11-6-19 Review to extend public utilities</b>
EXISTING LEGAL DESCRIPTION	The SW1/4 NW1/4, Section 35, T1N, R7E, BHM, and the U.S. Highway 16 Right-of-way and Moon Meadows Right-of-way located adjacent to the SW1/4 NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.7 acres
LOCATION	At the intersection of U.S. Highway 16 and Sammis Trail
EXISTING ZONING	General Commercial District (Planned Development Designation) – Public District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation) – Public District (Planned Development Designation)
South:	General Commercial District (Planned Development Designation)
East:	General Agriculture District
West:	General Commercial District (Planned Development Designation) – Public District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	12/22/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

**Staff recommends that the Planning Commission acknowledge the applicant's withdrawal of SDCL 11-6-19 Review to extend a public sewer main.**

GENERAL COMMENTS:

**(Update: June 14, 2010. All revised and/or added text is shown in bold print.) On June 14, 2010, the applicant withdrew the SDCL 11-6-19 Review to extend a public**

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**sewer main. Staff recommends that the Planning Commission acknowledge the applicant's withdrawal of the SDCL 11-6-19 Review application.**

(Update: May 27, 2010. All revised and/or added text is shown in bold print.) On February 18, 2010, the Planning Commission approved that portion of the SDCL 11-6-19 request to allow for the construction of a public water main. The balance of the request to extend a public sewer main has been continued to the June 10, 2010 Planning Commission meeting. To date, construction plans for the proposed sewer main alignment along the future rearage road as shown on the City Major Street Plan have not been submitted for review and approval. In addition, the applicant must secure utility easements and/or right-of-way for the sewer main alignment.

Staff recommends that the SDCL 11-6-19 Review to extend a public sewer main be continued to the June 24, 2010 Planning Commission meeting.

(Update: May 14, 2010. All revised and/or added text is shown in bold print.) On February 18, 2010, the Planning Commission approved that portion of the SDCL 11-6-19 request to allow for the construction of a public water main. The balance of the request to extend a public sewer main has been continued to the May 27, 2010 Planning Commission meeting. To date, construction plans for the proposed sewer main alignment along the future rearage road as shown on the City Major Street Plan have not been submitted for review and approval. In addition, the applicant must secure utility easements and/or right-of-way for the sewer main alignment.

Staff recommends that the SDCL 11-6-19 Review to extend a public sewer main be continued to the June 10, 2010 Planning Commission meeting.

(Update: April 9, 2010. All revised and/or added text is shown in bold print.) On February 18, 2010, the Planning Commission approved that portion of the SDCL 11-6-19 request to allow for the construction of a public water main. The balance of the request to extend a public sewer main has been continued to the April 22, 2010 Planning Commission meeting. To date, construction plans for the proposed sewer main alignment along the future rearage road as shown on the City Major Street Plan have not been submitted for review and approval. In addition, the applicant must secure utility easements and/or right-of-way for the sewer main alignment.

Staff recommends that the SDCL 11-6-19 Review to extend a public sewer main be continued to the May 27, 2010 Planning Commission meeting.

(Update: March 27, 2010. All revised and/or added text is shown in bold print.) On February 18, 2010, the Planning Commission approved that portion of the SDCL 11-6-19 request to allow for the construction of a public water main. The balance of the request to extend a public sewer main has been continued to the April 8, 2010 Planning Commission meeting. To date, construction plans for the proposed sewer main alignment along the future rearage road as shown on the City Major Street Plan have not been submitted for review and approval. In addition, the applicant must secure utility easements and/or right-of-way for the sewer main alignment.

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Staff recommends that the SDCL 11-6-19 Review to extend a public sewer main be continued to the April 22, 2010 Planning Commission meeting.

(Update, March 12, 2010. All revised and/or added text is shown in bold print.) On February 18, 2010, the Planning Commission approved that portion of the SDCL 11-6-19 request to allow for the construction of a public water main. The balance of the request to extend a public sewer main has been continued to the March 25, 2010 Planning Commission meeting. To date, construction plans for the proposed sewer main alignment along the future rearage road as shown on the City Major Street Plan have not been submitted for review and approval. As such, staff recommends that the SDCL 11-6-19 Review to extend a public sewer main be continued to the April 8, 2010 Planning Commission meeting.

(Update, February 19, 2010. All revised and/or added text is shown in bold print.) On February 18, 2010, the Planning Commission approved that portion of the SDCL 11-6-19 request to allow for the construction of a public water main. The balance of the request to extend a public sewer main was continued to the March 4, 2010 Planning Commission meeting. To date, construction plans for the proposed sewer main alignment along the future rearage road as shown on the City Major Street Plan have not been submitted for review and approval. As such, staff recommends that the SDCL 11-6-19 Review to extend a public sewer main be continued to the March 25, 2010 Planning Commission meeting.

(Update, February 8, 2010. All revised and/or added text is shown in bold print.) This item was continued at the February 4, 2010 Planning Commission meeting to allow the applicant to submit additional water and sewer information and to allow staff to meet with area property owners to discuss the various sewer alignment options to serve the property. The applicant has subsequently submitted a water analysis of the proposed use(s) demonstrating that the proposed water main has been designed to accommodate the proposed use(s).

On February 2, 2010, staff met with the applicant and other neighboring property owners to discuss sewer service options to the area.

(Update, January 26, 2010. All revised and/or added text is shown in bold print.) This item was continued at the January 21, 2010 Planning Commission meeting to allow the applicant to submit additional water and sewer information and to allow staff to meet with area property owners to discuss the various sewer alignment options to serve the property. To date, a water analysis of the proposed use(s) has not been submitted for review and approval demonstrating that the proposed water main has been designed to accommodate the proposed use(s). The applicant has submitted cost estimates for three sewer alignment options to serve the property. To date, a service boundary map has not been submitted for review and approval for each of the sewer alignment options. A meeting has been scheduled for February 2, 2010 with the applicant and area property owners to discuss the sewer alterations.

Staff recommends that the SDCL 11-6-19 Review be continued to the February 18, 2010 Planning Commission meeting to allow the applicant to submit the additional information and to allow staff to meet with the applicant and other neighboring property owners to discuss

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sewer service options to the area.

Staff recommends that the SDCL 11-6-19 Review be continued to the February 4, 2010 Planning Commission meeting to allow the applicant to submit the additional information as identified above and to allow staff to meet with the applicant and other neighboring property owners to discuss sewer service options to the area.

The applicant has submitted a SDCL 11-6-19 Review to extend a 14 inch water main and a 8 inch force sewer main from the west side of the U.S. Highway 16 right-of-way to property located east of U.S. Highway 16. In particular, the applicant is proposing to bore under U.S. Highway 16 north of the intersection of Moon Meadows Drive and U.S. Highway 16 in two separate locations in order to extend the existing water and sewer mains currently located along the west side of the right-of-way. The applicant has indicated that the water and sewer main extensions are needed in order to serve future anticipated commercial development on property located north of Sammis Trail and east of U.S. Highway 16.

On February 13, 2006, the City Council approved an appeal to an Initial Planned Commercial Development (File #05PD077) to allow a 217,572 square foot department store and a convenience store to be constructed on the adjacent property located north of Sammis Trail and east of U.S. Highway 16. In addition, the City Council approved a Layout Plat (File #05PL129) to subdivide the adjacent property into six commercial lots. Approval of the Layout Plat stipulated that a 12 inch water main be extended from Catron Boulevard along a proposed rearage road located along the east lot line of the property to provide a looped service with the existing water main located in U.S. Highway 16 and that a sanitary sewer main be extended from Catron Boulevard along the proposed rearage road.

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 request to extend the water and sewer mains as identified are public improvements. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed use be reviewed and approved by the Rapid City Planning Commission as a part of the SDCL 11-6-19 Review.

#### STAFF REVIEW:

Staff has reviewed the proposed SDCL 11-6-19 Review request and has noted the following considerations:

Water: As previously indicated, the applicant is proposing to construct a 14 inch water main from the west side of the U.S. Highway 16 right-of-way to property located east of U.S. Highway 16. In particular, the applicant is proposing to bore under U.S. Highway 16 north of the intersection of Moon Meadows Drive and U.S. Highway 16 to extend the existing 14 inch water main currently located along the west side of the right-of-way. A portion of the water main and a fire hydrant are located on the adjacent property. As such, prior to Planning Commission approval, a copy of a recorded utility easement for this portion of the project

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must be submitted to the Growth Management Office.

The applicant has indicated that the water main is being extended to serve future commercial development which may include hotels, a grocery store, a convenience store restaurants and retail uses. To date, a water analysis of the proposed use(s) has not been submitted for review and approval demonstrating that the water main has been designed to accommodate the proposed use(s). At a minimum a 16 inch water main is required in accordance with the City's Utility Master Plan.

Staff recommends that the SDCL 11-6-19 Review be continued to allow the applicant to submit the water analysis as identified and to revise the construction plans as needed, including addressing red line comments. In addition, a utility easement must be secured for that portion of the project located outside of the right-of-way.

(Update: February 8, 2010.) As previously indicated, the applicant has submitted a water analysis of the proposed use(s) demonstrating that the proposed water main has been designed to accommodate the proposed use(s). In addition, staff has reviewed and approved the revised construction plans to construct a 16 inch water main under U.S. Highway 16 to serve the property. As such, staff recommends that the SDCL 11-6-19 Review to extend a public water main be approved.

Sewer: As previously indicated, the applicant is proposing to extend an 8 inch force sewer main from the west side of the U.S. Highway 16 right-of-way to property located east of U.S. Highway 16. In particular, the applicant is proposing to bore under U.S. Highway 16 north of the intersection of Moon Meadows Drive and U.S. Highway 16 to extend the sewer main currently located along the west side of the right-of-way. This bore would be separated from the bore where the water line is located. Due to elevations within this area, this design will require that a lift station be incorporated into the sewer design for each property and/or commercial user in order to lift the sewage back to the main on the west side of U.S. Highway 16. The applicant is proposing this sewer connection as an interim service until a sewer main is provided along the east side of U.S. Highway 16 either within the right-of-way or along a future rearage road to be located approximately 1,200 feet east of the U.S. Highway 16 right-of-way.

On January 12, 2010, staff met with the applicant, his consultant and a representative of the Orthopedic Land Company LLC property located between Catron Boulevard and the property located north of Sammis Trail to discuss other possible sewer alignments to serve the property.

The applicant's consultant is currently working on a cost estimate and a service area analysis for the various options. Upon receipt of the information, staff will meet again with the applicant and other neighboring property owners to discuss the best option for sewer service to this area.

(Update: February 8, 2010.) As previously indicated, on February 2, 2010, staff met with the applicant and other neighboring property owners to discuss sewer service options to the area. The extension of a sewer main along the future rearage road as shown on the City's Major Street Plan would serve the greatest development area and be the most cost effective

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solution for providing sewer service. The affected property owners indicated they would explore potential funding options. To date, construction plans for this sewer main alignment have not been submitted for review and approval. As such, staff recommends that the SDCL 11-6-19 Review to extend a public sewer main be continued.

**Staff recommends that the Planning Commission acknowledge the applicant's withdrawal of SDCL 11-6-19 Review application to extend a public sewer main.**