



CENTERLINE

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centrline@aol.com

PW033010-01
AGENDA ITEM MEMORANDUM

TO: Common Council/ PW Committee
FROM: Lawrence M. Kostaneski, PE
For PLM Development, LLC
DATE: April 21, 2010

**RE: Item 60 continued from Apr. 19 Council meeting: Design Exception Appeal; Water Service
PLM Subdivision Phase 2C**

CC: PLM Development

Message: Please reference attachment.

The proposed covenant is a companion to the previously approved technical exception. But placing a vague, never-ending assessment on a residential lot has a chilling effect on potential buyers. It might be appropriate in some cases but not here.

Staff indicated they had two concerns: preventing an owner from placing the water service responsibility on the city; and preventing any city obligation if further development occurs on this narrow ridge.

Neither of those require an assessment clause. In both instances the city can attach a covenant that addresses those two circumstances specifically with language that clearly defines the city's role and the property owner's responsibility. In fact, any further development (extremely unlikely) is always the responsibility of the developer: Subdividing 101.

Extending a water main was never identified during the 3 submittal reviews for the PLM development phases, not even the one showing the sewer main extension across this ridge. And I don't believe the city's million dollar water system master plan identifies one either. Furthermore, if the city felt the need to extend a main it would be for system considerations and not for the benefit of this lot owner. And the city never makes one lot owner pay for system enhancements the owner doesn't directly access anyway.

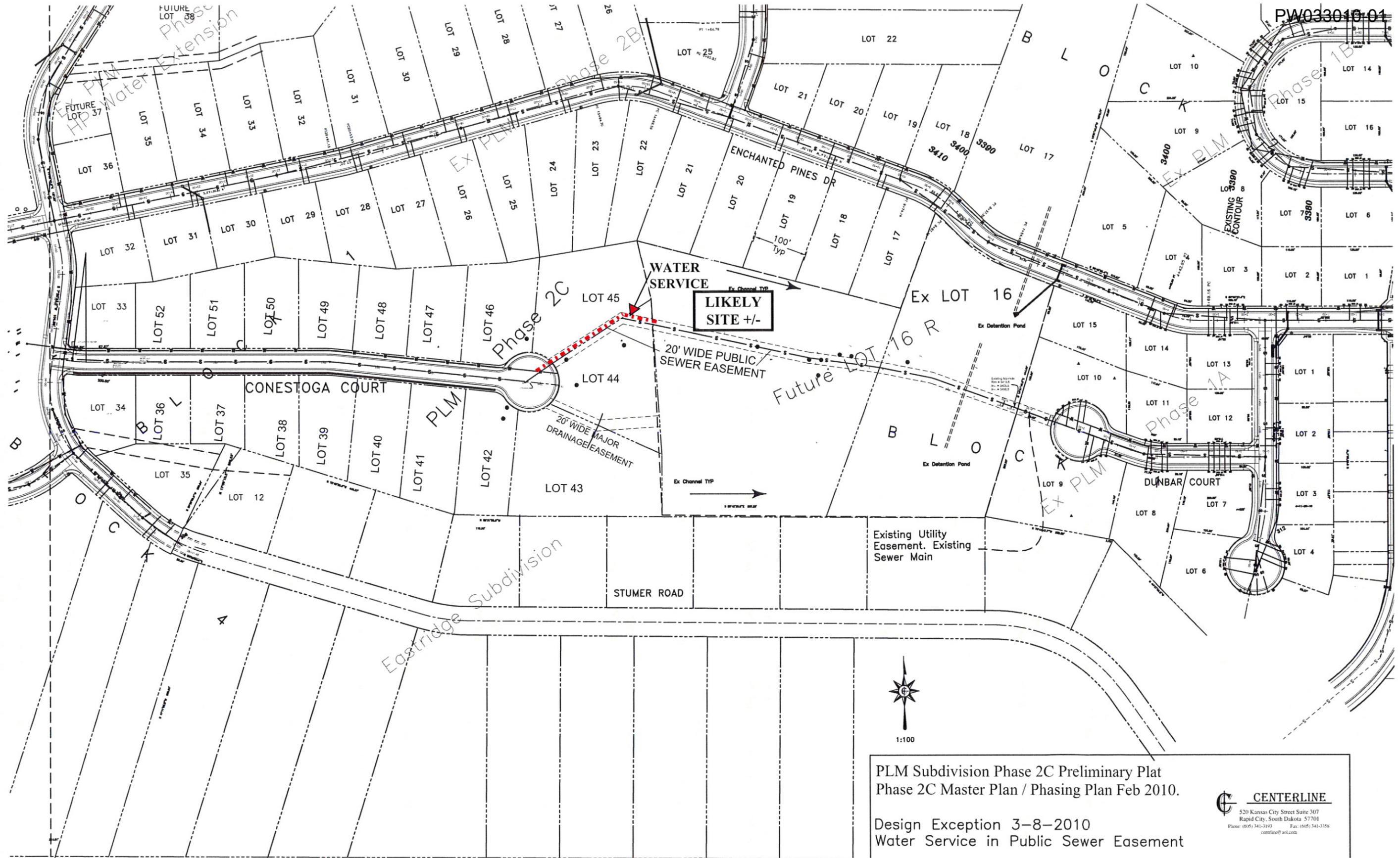
It's curious to note that if Lot 16 R was conventional platting – like a flagpole lot, for example - there would be no talk of a service line exception since it would fall within the property. And then there would be no demand for a future water main extension, since the latter is only dragged out in response to an exception to the former. From which one could reasonably conclude that the “assessment” is a form of penalty or punishment and not from some careful system analysis. Curious.

Finally, the “we always do it this way” defense is disconcerting. Surely the IQ and pay scale levels of those involved are sufficient to craft a solution that recognizes the specific technical challenge at hand. Any future request unrelated to this one can make its own case: precedent is just an excuse to avoid defending a previous problem carefully vetted and solved.

PLM Development, LLC asks that you approve covenant language that only addresses the city's specific concerns and does not include reference to a future assessment.

Please call with questions. Thanks.

END



PLM Subdivision Phase 2C Preliminary Plat
 Phase 2C Master Plan / Phasing Plan Feb 2010.

Design Exception 3-8-2010
 Water Service in Public Sewer Easement

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 Phone: (605) 341-3193 Fax: (605) 341-3358
 centerline@aol.com

Tech Dale

From: Centrline@aol.com
Sent: Monday, March 22, 2010 8:03 AM
To: Tech Dale
Cc: Fisher Vicki; pat.tlustos@nwemangement.com
Subject: Re: PLM 2C Water Service REVISION w/ ATTACHEMENT

Dale:

Let's place the appeal on the next PW agenda. That would be the Mar 30 mtg?

Thanks

lmk

In a message dated 3/19/2010 10:29:02 A.M. Mountain Daylight Time, Dale.Tech@rcgov.org writes:

Ski,

The exception request was denied. If you wish to appeal please respond accordingly and we will get this on the next PW agenda (deadline is noon on 3-24-10).

I've attached a copy of the denial.

Dale Tech PE/LS

City Engineer

City of Rapid City

605-394-4154

From: Centrline@aol.com [mailto:Centrline@aol.com]
Sent: Thursday, March 18, 2010 3:14 PM
To: Tech Dale
Subject: Fwd: PLM 2C Water Service REVISION w/ ATTACHEMENT

Hi

What's the status of this request?

Thanks

lmk



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

Engineering Services

300 Sixth Street
 Telephone: (605) 394-4154
 FAX: (605) 355-3083
 Web: www.rcgov.org

MEMORANDUM

TO: Robert Ellis PE/PTOE, Public Works Director

FROM: Dale Tech PE/LS, City Engineer *DE*

SUBJECT: Exception request, PLM Subdivision

DATE: March 17, 2010

I have reviewed the exception request to allow a non conforming water service line across two proposed lots.

The information submitted by Centerline shows a proposed water service line to be extended in an existing 20' wide public sewer easement that is located on two proposed lots that adjoin the lot for which the service line is intended.

It is my opinion that the existing public sewer easement is not intended for a water service line and the installation of a service line within this easement may cause maintenance problems with the existing sewer main located within the easement. There are no extraordinary circumstances that exist that would support the installation of a non conforming water service line in this location. To preserve the ability to provide maintenance for the sewer main, the water service line should be located within its own easement if this exception request is approved by City Council.

Therefore, I recommend denial of the requested exception.



**REQUEST FOR EXCEPTION TO
RAPID CITY DESIGN STANDARD / CRITERIA / REGULATIONS**

PROJECT PLM Subdivision Phase 2C

DATE: 3/8/10 SUBMITTED BY: Centerline

PIN #: N/A

LEGAL DESCRIPTION: Future LOTS 44 & 45 BLOCK 1 PLM SUBDIVISION all in Section 24 T1N R7E
BHM RAPID CITY, PENNINGTON COUNTY, SD

EXCEPTION REQUESTED: SECTION _____ STD / CRITERIA / REG Criteria

DESCRIPTION OF REQUEST: Water service to occupy public utility easement platted on 2 adjoining lots..

JUSTIFICATION: The proposed public sewer easement is unencumbered by buildings, fences or other features.
It will include a public sewer main extending from the previously installed main in Dunbar Ct. that will serve PLM Subdivision
Phase 2C. The water service is for a PRD designated lot that cannot have more than one dwelling per the PRD conditions.
The water service shown will serve the proposed single family dwelling from an appropriate pressure zone.

SUPPORTING DOCUMENTATION: Yes No

PROPERTY OWNER'S SIGNATURE: [Signature] DATE: 3/8/2010

Or Agent, if previously designated by the Owner in writing.

FOR STAFF ONLY

STAFF COMMENTS: _____

STAFF RECOMMENDATION: _____

REVIEWED BY: _____

DATE: _____

AUTHORIZATION:

APPROVED

DENIED

GROWTH MANAGEMENT DIRECTOR

DATE

[Signature]

APPROVED

DENIED

PUBLIC WORKS DIRECTOR*

DATE

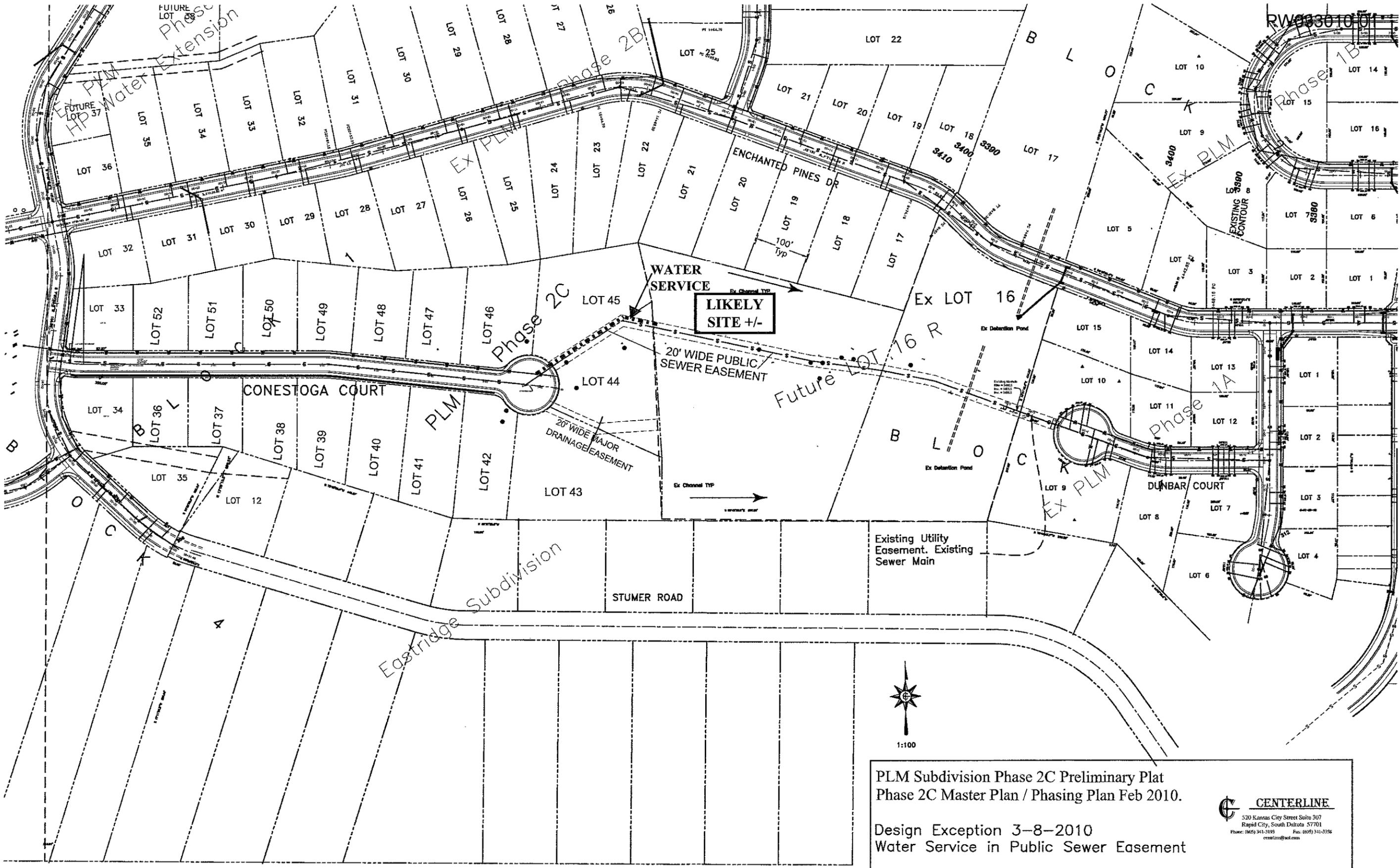
3-19-10

Revised 11/06/07

FILE #: _____

ASSOCIATED FILE#: _____

*Public Works Director's signature is not required for Lot Length to Width Exceptions, Ordinance No. 5232.



PLM Subdivision Phase 2C Preliminary Plat
 Phase 2C Master Plan / Phasing Plan Feb 2010.

Design Exception 3-8-2010
 Water Service in Public Sewer Easement

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PW033010-01
AGENDA ITEM MEMORANDUM

TO: Common Council/ PW Committee
FROM: Lawrence M. Kostaneski, PE
For PLM Development, LLC
DATE: March 24, 2010

**RE: Item on 3/30/10 PW Committee Meeting: Design Exception Appeal; Water Service
PLM Subdivision Phase 2C**

CC: PLM Development

Message: Please reference attachments.

I'm back.

This request is nearly identical to the previously approved design exception for a water service in a sewer easement, except now at the west end.

After discussion with PLM Development, it became obvious that the most likely location for a home is at the west end of future 16R. Therefore, it was necessary to access a water pressure zone that would provide adequate pressure. The pressure zone serving Conestoga Court is correct for this proposed home site.

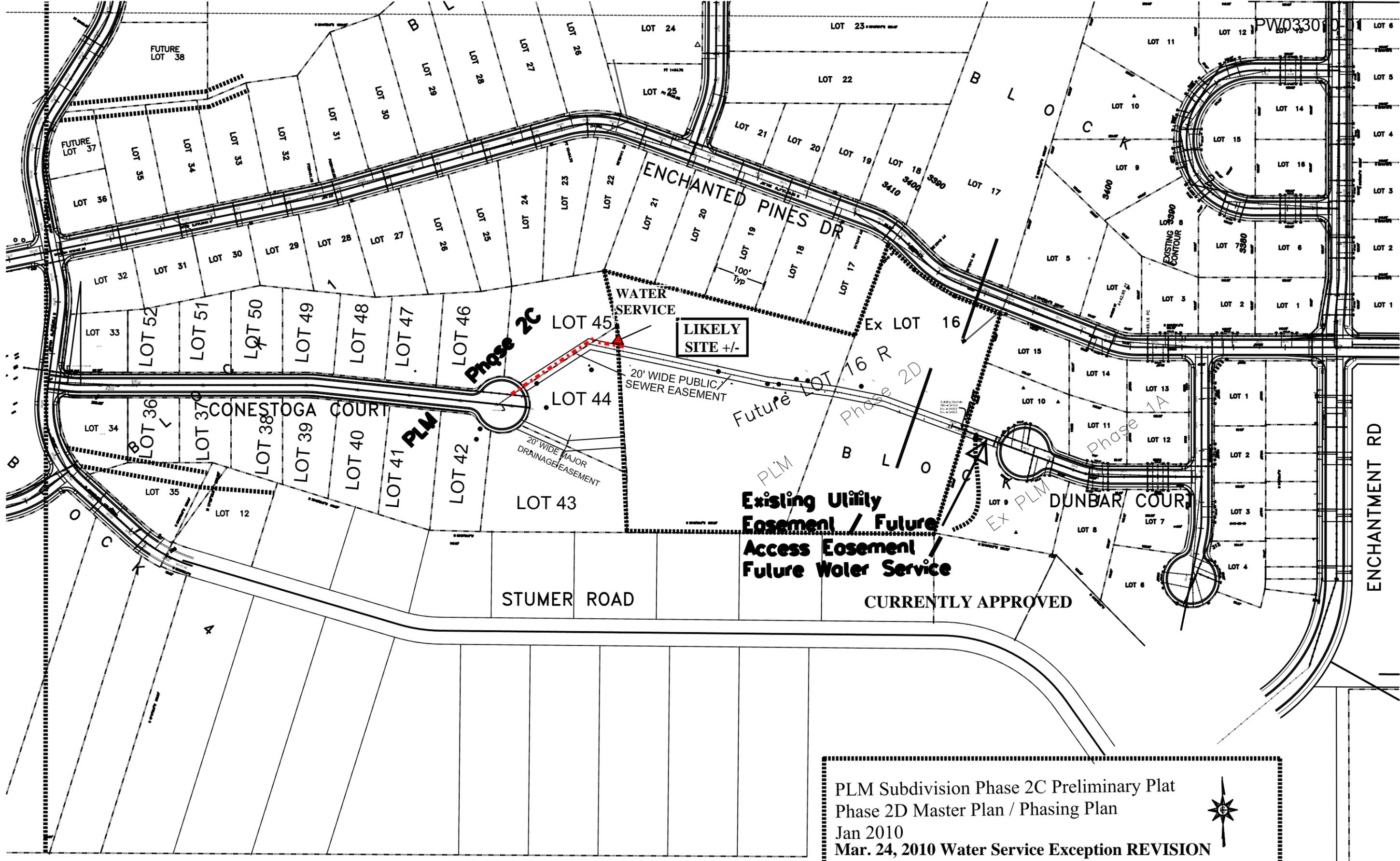
Placement is essentially no different from the previous request: ie., within the same easement provided for the sewer main. Also, Ten States Standards – the document that provides guidance for water systems – allows for benching water above sewer when horizontal distance is difficult to achieve.

In this instance the terrain constraints are as difficult as the east end, but will allow for a comfortable corridor following 10 States guidelines and encasing where necessary. The attached drawing illustrates the strategy.

PLM Development, LLC asks that you approve the placement of a water service line in the proposed easement in lieu of the previously approved exception.

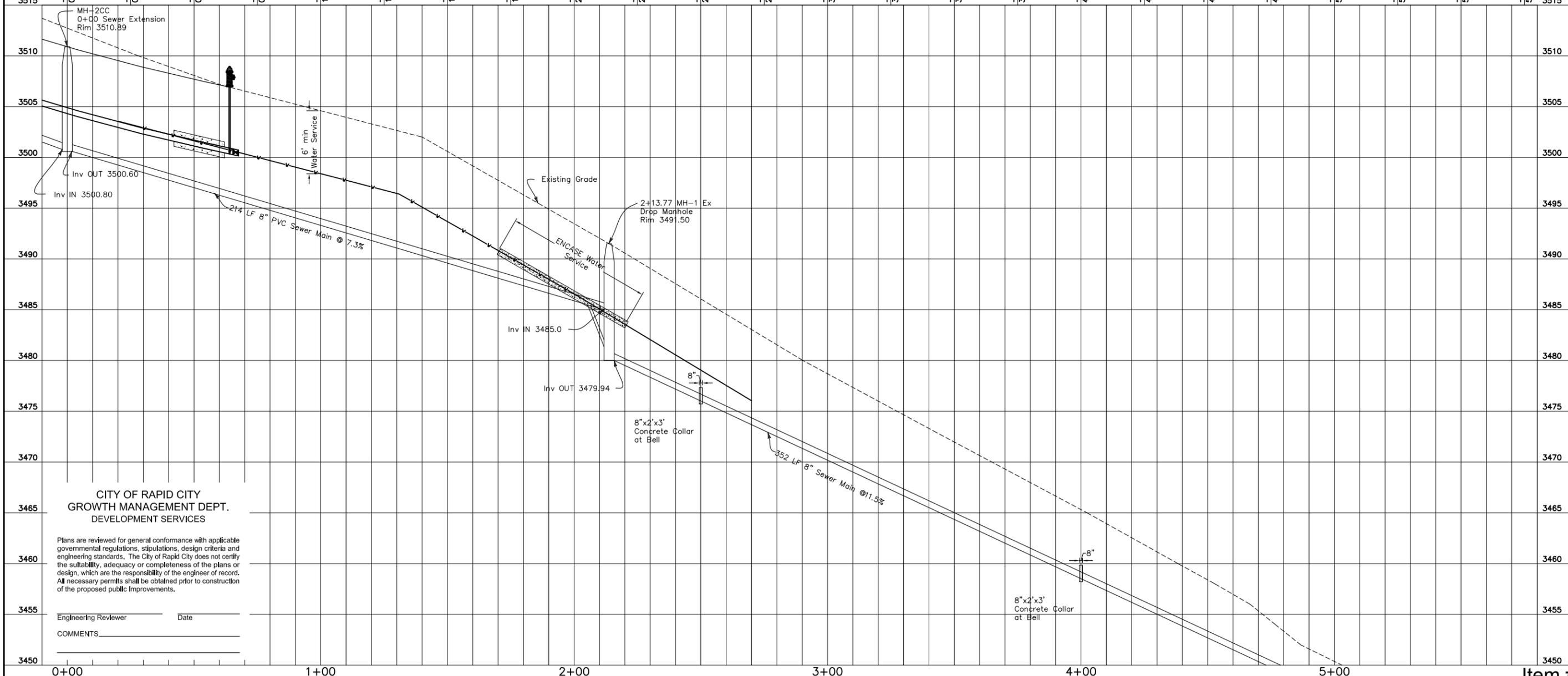
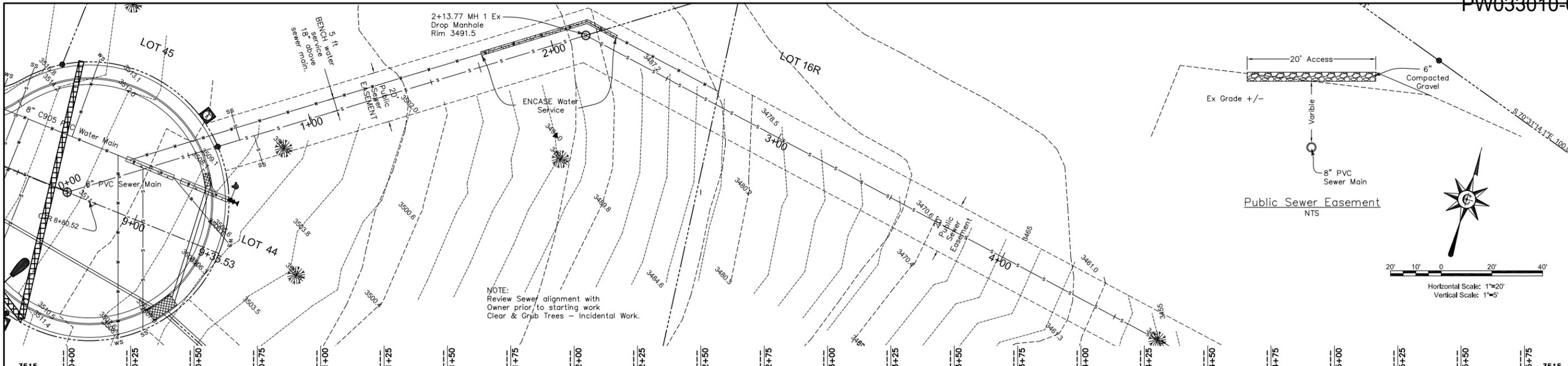
Please call with questions. Thanks.

END



PLM Subdivision Phase 2C Preliminary Plat
 Phase 2D Master Plan / Phasing Plan
 Jan 2010
 Mar. 24, 2010 Water Service Exception REVISION





CITY OF RAPID CITY
GROWTH MANAGEMENT DEPT.
DEVELOPMENT SERVICES

Plans are reviewed for general conformance with applicable governmental regulations, stipulations, design criteria and engineering standards. The City of Rapid City does not certify the suitability, adequacy or completeness of the plans or design, which are the responsibility of the engineer of record. All necessary permits shall be obtained prior to construction of the proposed public improvements.

Engineering Reviewer _____ Date _____
COMMENTS _____

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PLM Subdivision Phase 2C

0+00 to 5+50
Sanitary Sewer
Plan and Profile

PROJECT NO.: 04103-09-2C
FILE NO.: 10005-C
DESIGN BY: LMK
DRAWN BY: MLB
CHECKED BY: LMK
DATE: Feb. 2010

C7
OF 8