

STAFF REPORT
October 27, 2005

No. 05SR055 - 11-6-19 SDCL Review to extend public right-of-way and to construct a street with public utilities within the public right-of-way

ITEM 16

GENERAL INFORMATION:

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| PETITIONER | Dream Design International, Inc. |
| REQUEST | No. 05SR055 - 11-6-19 SDCL Review to extend public right-of-way, to construct a street with public utilities within the public right-of-way, and to extend public utilities and drainage within easement(s) |
| EXISTING LEGAL DESCRIPTION | The unplatted balance of N1/2 SW1/4, the NW1/4 SE1/4 and the SW1/4NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 9.67 acres |
| LOCATION | West of North Elk Vale Road and at the eastern terminus of Seger Drive and Mall Drive and west of Dyess Avenue |
| EXISTING ZONING | General Agriculture District - General Commercial District |
| SURROUNDING ZONING | |
| North: | General Agriculture District - General Commercial District |
| South: | General Agriculture District - General Commercial District |
| East: | Box Elder |
| West: | General Commercial District |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 9/9/2005 |
| REVIEWED BY | Vicki L. Fisher / Michelle Horkey |

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to extend public right-of-way, to construct a street with public utilities within the public right-of-way, and to extend public utilities and drainage within easement(s) be approved with the following stipulations:

1. Prior to the start of construction, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. Prior to the start of construction, the applicant shall submit a revised cost estimate and/or verify which of the two submitted cost estimates is correct;

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ITEM 16

3. Prior to the start of construction, utility and drainage easements shall be recorded at the Register of Deed's Office as needed. In addition, Mall Drive right-of-way shall be dedicated as a part of a Preliminary and Final Plat or as an "H" Lot;
4. Prior to the start of construction, the construction plans shall be revised extending a concrete street section from the section line highway, or Dyess Avenue, to the western end of the project, including the fillet and pan area;
5. Prior to the start of construction, the construction plans shall be revised extending a concrete street section at the eastern end of the project to Elk Vale Road. In addition, the street section shall be constructed in the same alignment as the balance of the street section to accommodate a future five lane street section;
6. Prior to the start of construction, the construction plans shall be revised to provide fire hydrants along the south side of Mall Drive as needed;
7. Prior to the start of construction, the construction plans shall be revised to provide adequate sized sleeves for future water and sewer main connections extending from the water and sewer mains to be constructed in Mall Drive or the applicant shall enter into an agreement to remove any unused water and/or sewer connections in accordance with the City of Rapid City Standard Specifications;
8. All South Dakota Department of Environment and Natural Resource standards shall be continually met; and,
9. An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre.

GENERAL COMMENTS:

(Update, October 14, 2005. All revised and/or added text is shown in bold print.) This item was continued at the October 6, 2005 Planning Commission meeting to allow the applicant to meet with staff to discuss the stipulations of approval. The applicant has subsequently met with staff and has indicated concurrence with the proposed stipulations of approval as identified above. Please note that no other part of this Staff Report has been revised.

The applicant has submitted an SDCL 11-6-19 Review to extend public right-of-way, to construct a street with public utilities within the public right-of-way, and to extend public utilities and drainage within easement(s). In particular, the applicant has submitted construction plans to construct Mall Drive from Elk Vale Road to Dyess Avenue. In addition, the construction plans show the construction of water and sewer mains along Mall Drive. A sewer main is also proposed to be constructed from Mall Drive, north to Seger Drive and south to the I-90 Interstate right-of-way. The construction plans also show the construction of drainage improvements from Mall Drive north of Seger Drive to a proposed metering pond.

The property is located east of Elk Vale Road and west of Dyess Avenue. Currently, the property is void of any structural development.

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,

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ITEM 16

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 street, utility and drainage extensions are public improvements and 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 and has noted the following considerations:

Street Improvement(s): The construction plans currently show a 36 foot wide concrete section with transitions of pavement at both ends of the street. Staff is recommending that prior to the start of construction the pavement section(s) be replaced with concrete to provide street design continuity along the entire section. In particular, staff is recommending that the construction plans be revised to extend a concrete street section from the section line highway, or Dyess Avenue, to the western end of the project, including the fillet and pan area. In addition, staff is recommending that the construction plans be revised to extend a concrete street section at the eastern end of the project to Elk Vale Road in the same alignment as the balance of the street section to accommodate a future five lane street section. Staff is recommending that the construction plans be revised as identified prior to the start of construction.

Water and Sewer: The construction plans show a water and sewer main connection every 300 feet extending north and south from the water and sewer main(s) to be constructed in Mall Drive. Without a Master Plan of the adjacent properties, staff can not determine if this is an excessive number of water and sewer main extensions. It becomes problematic to leave these stubbed connections if they are not to be utilized in the future. As such, staff is recommending that prior to the start of construction, the utility plans must be revised to provide adequate sized sleeves for future water and sewer main connections or the applicant must enter into an agreement to remove any unused water and/or sewer connections in accordance with the City of Rapid City Standard Specifications.

Fire Hydrants: The construction plans show fire hydrants along the north side of Mall Drive. Staff is recommending that prior to the start of construction, the construction plans be revised to provide fire hydrants along the south side of Mall Drive as needed.

Staff is recommending that the SDCL 11-6-19 Review be approved with the stipulations as identified above.