

STAFF REPORT
May 22, 2008

No. 08SR035 - SDCL 11-6-19 Review to allow the extension of a public water main **ITEM 57**

GENERAL INFORMATION:

APPLICANT	Dakota Craft Business Properties, Ltd.
AGENT	Ferber Engineering Co., Inc.
PROPERTY OWNER	Dakota Craft Business Properties, LTD
REQUEST	No. 08SR035 - SDCL 11-6-19 Review to allow the extension of a public water main
EXISTING LEGAL DESCRIPTION	Lot 1A, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.511 acres
LOCATION	5406 Old Folsom Road
EXISTING ZONING	Heavy Industrial District
SURROUNDING ZONING	
North:	Heavy Industrial District
South:	General Agriculture District (Pennington County)
East:	Heavy Industrial District
West:	General Agriculture District (Pennington County)
PUBLIC UTILITIES	City Water and on-site sewer
DATE OF APPLICATION	4/11/2008
REVIEWED BY	Jared Ball / Mary Bosworth

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow the extension of a public water main construction of a sign on public property be approved if the following additional information is submitted:

1. Prior to Planning Commission approval, the applicant shall demonstrate ownership of Old Folsom Road. In addition, a Permit to Work in the Right-of-way shall be obtained as needed;
2. Prior to Planning Commission approval, the applicant shall obtain approval for any oversize costs that may be requested;
3. Prior to Planning Commission approval, 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 Development Service Center Division; and,
4. Prior to Planning Commission approval, request the Public Works Project number for the

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construction of the water main.

GENERAL COMMENTS:

(Update: May 13, 2008. All revised and/or added text is shown in bold.) This item was continued at the May 8, 2008 Planning Commission meeting because all of the stipulations of approval had not been met. As of this writing all of the stipulations of approval have not been met. Staff will notify the Planning Commission at the May 22, 2008 Planning Commission meeting if all of the stipulations of approval have not been met.

The applicant has submitted a SDCL 11-6-19 request to allow the extension of a public water main. The property is located at 5406 Old Folsom Road, which is east of South Dakota Highway 79 and south of Elk Vale Road. Currently, Dakota Craft Factory is located on the property. The applicant is proposing to extend the public water main from Elk Vale Road south along Old Folsom Road public right-of-way to the property. The property is currently zoned Heavy Industrial District.

South Dakota Codified Law 11-6-19 states that “whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission”. The proposed water main extension is being constructed in the public right-of-way 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:

Old Folsom Road: Staff is recommending that prior to Planning Commission approval, the applicant demonstrate ownership of Old Folsom Road. In addition, a Permit to Work in the Right-of-way must be obtained as needed.

Oversize Costs: The construction plans show a 12 inch water main being constructed to serve property owned by Dakota Craft Business Properties. Staff is recommending that prior to Planning Commission approval, the applicant obtain an agreement from the City of Rapid City for any oversize costs that may be requested.

Permits: The applicant should be aware that an Air Quality Permit must be obtained from the City prior to any surface disturbance of one or more acres. An Erosion and Sediment Control Permit in compliance with the adopted Storm Water Quality Manual must also be obtained. A Permit to work in the Railroad Right-of-Way must also be obtained as needed.

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