

STAFF REPORT

March 25, 2004

No. 04SR011 - 11-6-19 SDCL Review to allow grading and installation of a temporary silt fence on public property **ITEM 25**

GENERAL INFORMATION:

PETITIONER	Lund Associates, LTD., for EOS Properties, LLC
REQUEST	No. 04SR011 - 11-6-19 SDCL Review to allow grading and installation of a temporary silt fence on public property
EXISTING LEGAL DESCRIPTION	Tract 11 Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 17.85 acres
LOCATION	Tract 11 Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	Flood Hazard District
East:	Community Shopping Center District
West:	General Commercial/Office Commercial with a Planned Development/Medium Density Residential
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	04/24/2004
REPORT BY	Todd Tucker

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow grading and installation of a temporary silt fence on public property be approved with the following stipulations:

1. No portion of the proposed fence can be located within the floodway;
2. Restoration of all disturbed areas, including topsoil placement, seeding, fertilizing, and mulching must be performed ; and,
3. The silt fence must be removed when the restoration is complete and the grass is established.

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GENERAL COMMENTS: The applicant is seeking an 11-6-19 Review approval to allow for grading and the installation of a temporary silt fence on public property. The proposed silt fence will run generally north and south and be located in the northwest portion of the greenway tract as it abuts the McDonald's property and the proposed Planned Commercial Development for O.E.S. Properties.

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". As previously indicated, the grading and installation of the temporary silt fence will be done privately but located on City owned property requiring that the Planning Commission review and approve of the proposed construction on City owned property.

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

Flood Way: Staff noted that the proposed location of the silt fence is in close proximity to the hydraulic floodway located at an elevation of 3,264.5 feet. No portion of the proposed fence can be located within the floodway.

Site Restoration: Staff noted that the restoration of all disturbed areas, including topsoil placement, seeding, fertilizing, and mulching must be done. Staff also noted that the silt fence must be removed when the restoration is complete and the grass is established.

Staff recommends approval of the 11-6-19 SDCL Review with the above stated stipulations.