

STAFF REPORT
August 26, 2004

No. 04SR048 - 11-6-19 SDCL Review to allow the installation of concrete wier for excess water drainage on public property **ITEM 10**

GENERAL INFORMATION:

PETITIONER	Randy Leinen for Black Hills Power
REQUEST	No. 04SR048 - 11-6-19 SDCL Review to allow the installation of concrete wier for excess water drainage on public property
EXISTING LEGAL DESCRIPTION	Tract 24A less Lot H1, Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.77 Acres
LOCATION	Northeast of the intersection of 3rd Street and Omaha Street (Black Hills Power 4th Street Substation)
EXISTING ZONING	Flood Hazard District
SURROUNDING ZONING	
North:	Flood Hazard District
South:	General Commercial District
East:	Flood Hazard District
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/26/2004
REVIEWED BY	Todd Tucker / David L. Johnson

RECOMMENDATION: Staff recommends that the 11-6-19 SDCL Review to allow the installation of concrete wier for excess water drainage on public property be approved with the following stipulations:

1. Prior to initiation of construction, a Building Permit shall be obtained;
2. Prior to any grading on the property, a Grading Permit shall be obtained;
3. Prior to issuance of a Building Permit, a revised site plan shall be submitted showing the limits of the federally designated flood plain and the hydraulic floodway, based on actual spot elevations and the base flood elevations, to ensure that the proposed construction is not located within them; and,
4. If the proposed construction is located within the federally designated flood plain or the hydraulic floodway, a flood plain development permit shall be obtained.

GENERAL COMMENTS: The subject property is located on the north side of Omaha Street between 5th Street and the railroad tracks. The subject property is currently owned by the

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City of Rapid City. An existing electric substation is located on the subject property. The existing substation is bordered on the north and east by drainage ditches. The applicant is proposing the grading of a containment ditch along the north side of the substation, the construction of a concrete wier for excess water drainage, and the cleaning and resodding of the existing ditches. The applicant has indicated that the proposed work is to make the site compliant with Federal Spill Prevention Containment and Control Regulations.

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, this is publicly owned land requiring that the Planning Commission review and approve of the proposed construction.

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

Building Permit: The applicant's site plan indicates there will be construction of a new concrete wier on the subject property. Staff noted that a Building Permit must be obtained prior to any construction on the subject property.

Grading Permit: The applicant's site plan indicates there will be minor grading on the subject property. Staff noted that a Grading Permit shall be obtained prior to any grading on the property.

Flood Plain: It appears that part of the subject property is located within the 100 year federally designated flood plain; however, it appears the proposed construction is not located within the hydraulic floodway. The applicant's site plan does not show the boundaries of the flood plain or floodway. As such, a revised site plan must be submitted showing the limits of the federally designated flood plain and the hydraulic floodway, based on actual spot elevations and the base flood elevations, to ensure that the proposed construction is not located within them. If the proposed construction is located within the federally designated flood plain or the hydraulic floodway a flood plain development permit must be obtained.

Staff is recommending that the SDCL 11-6-19 Review request be approved with the previously stated stipulations.