

STAFF REPORT
September 23, 2004

No. 04SR053 - SDCL 11-6-19 Review to allow the extension of water and sewer in a public right-of-way **ITEM 5**

GENERAL INFORMATION:

PETITIONER	Robert J. Pesek
REQUEST	No. 04SR053 - SDCL 11-6-19 Review to allow the extension of water and sewer in a public right-of-way
EXISTING LEGAL DESCRIPTION	Alley right-of-way located adjacent to Lots 19-25 of Block 7, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	N/A
LOCATION	Alley right-of-way located east of High Street and south of Mallow Street
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/27/2004
REVIEWED BY	Vicki L. Fisher / David L. Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the extension of water and sewer in a public right-of-way be approved with the following stipulations:

1. The water and sewer mains shall be constructed in accordance with the approved plans;
2. Throughout the construction of the project, sediment control measures using best management practices to prevent or minimize sediment run-off prior to final stabilization of all surfaces shall be installed and maintained;
3. Throughout the construction of the project, traffic control devices, per Manual and Uniform Traffic Control Devices Standards, shall be installed and maintained;
4. Throughout the construction of the project, the applicant shall coordinate street/alley closures with the City Public Works Department, the Fire and Emergency Services Department and adjacent property owners; and,
5. Any disturbed pavements shall be repaired or replaced per approved drawings and as per City Standard Specifications prior to occupancy of any new buildings to be served by

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the proposed improvements.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to allow the extension of water and sewer mains in an alley right-of-way located between High Street and Mallow Street. The applicant has indicated that the extension of City sewer and water within the alley will allow for the future construction of residential structures along the south side of the alley.

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". The alley is public right-of-way and the water and sewer are public utilities. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed construction be reviewed and approved by the Rapid City Planning Commission as a part of a SDCL 11-6-19 Review.

STAFF REVIEW:

Staff has reviewed the proposed SDCL 11-6-19 Review and has noted the following considerations:

Utilities: The applicant has submitted construction plans identifying the extension of an eight inch water main from High Street a distance of approximately 200 feet along the alley. In addition, the construction plans show the extension of an eight inch sewer main from Mallow Street a distance of approximately 170 feet along the alley. Staff is recommending that the water and sewer mains be constructed in accordance with the approved plans.

Staff is also recommending that prior to final stabilization of all surfaces, the installation and maintenance of sediment control measures using best management practices be implemented to prevent or minimize sediment run-off. In addition, any disturbed pavements must be repaired or replaced per City Standard Specifications and approved drawings prior to occupancy of any new buildings to be served by the proposed improvements.

Access: The alley currently serves as access to Pennington County Housing located along the north side of the alley. As such, staff is recommending that the applicant coordinate street/alley closures with the City Public Works Department, the Fire and Emergency Services Department and adjacent property owner(s) throughout construction of the project to insure access is continually being maintained through the alley.

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