

STAFF REPORT
November 10, 2005

No. 05SR062 - 11-6-19 SDCL Review to allow the construction of a sanitary sewer extension in conjunction with South Dakota Department of Transportation's extension of the street **ITEM 6**

GENERAL INFORMATION:

PETITIONER	Ferber Engineering Company, Inc. for FMLC, Inc.
REQUEST	No. 05SR062 - 11-6-19 SDCL Review to allow the construction of a sanitary sewer extension in conjunction with South Dakota Department of Transportation's extension of the street
EXISTING LEGAL DESCRIPTION	That portion of the SE1/4 lying north of Interstate 90, less Tract A, NE1/4 SE1/4, Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.61 acres
LOCATION	At the northwest corner of the intersection of Interstate 90 and Dyess Avenue
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/14/2005
REVIEWED BY	Vicki L. Fisher / Michelle Horkey

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow the construction of a sanitary sewer extension in conjunction with South Dakota Department of Transportation's extension of the street 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, a complete drainage plan shall be submitted for review and approval;
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, E. North Street right-of-way shall be

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- dedicated as a part of a Preliminary and Final Plat or as an "H" Lot;
4. All South Dakota Department of Environment and Natural Resource standards shall be continually met; and,
 5. An Air Quality Permit shall be obtained prior to any disturbance of the soil(s) in excess of one acre.

GENERAL COMMENTS:

The applicant has submitted an SDCL 11-6-19 Review to construct approximately 700 feet of sewer in conjunction with the construction of E. North Street as it extends north of Mall Drive.

The property is located north of the intersection of Mall Drive and the current terminus of E. North Street. 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, 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 the construction of a 36 foot wide concrete section with curb, gutter, sewer and a ten foot sidewalk along the east side of the street. Staff is recommending that prior to the start of construction, all necessary changes be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings must be returned to the Growth Management Department.

Drainage: Staff is recommending that prior to the start of construction, a complete drainage plan be submitted for review and approval. In addition, drainage easements must be recorded at the Register of Deed's Office as needed.

Easements/Right-of-way/H-Lots: To date, utility easements have not been recorded for the construction of a sewer main nor has right-of-way and/or an H-Lot been recorded for the right-of-way of E. North Street. As such, staff is recommending that prior to the start of construction, utility and drainage easements must be recorded at the Register of Deed's Office as needed. In addition, E. North Street right-of-way must be dedicated as a part of a Preliminary and Final Plat or as an "H" Lot.

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