

STAFF REPORT
March 23, 2006

No. 06SR023 - SDCL 11-6-19 Review to to construct storm sewer improvements in Creek Drive Right-of-Way **ITEM 8**

GENERAL INFORMATION:

PETITIONER	Sperlich Consulting, Inc. for James Letner
REQUEST	No. 06SR023 - SDCL 11-6-19 Review to construct storm sewer improvements in Creek Drive Right-of-Way
EXISTING LEGAL DESCRIPTION	Creek Drive Right-of-way located adjacent to Tract 4 of Bradksy Subdivision #2 and Tract C, all located Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 8.338 acres
LOCATION	1720 East Saint Patrick Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/16/2006
REVIEWED BY	Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to construct storm sewer improvements in Creek Drive be approved with the following stipulations:

1. A Flood Plain Development Permit shall be obtained prior to the start of construction on that portion of the subject property that lies within the federally designated 100 year flood plain. In addition, a 404 Permit shall be obtained from the U.S. Army Corps of Engineers if and as needed; and,
2. The storm sewer shall be constructed in compliance with the approved plans. In addition, the construction plans shall be revised to address red lined comments and returned to the Growth Management Department.

GENERAL COMMENTS: On September 8, 2005, the Planning Commission approved a SDL 11-6-19 Review to construct a portion of St. Charles Street and to construct storm sewer

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improvements in Creek Drive. The applicant has subsequently indicated that the scope of the storm sewer improvements in Creek Drive must be increased to handle the drainage flows from future development on an adjacent property. As such, the applicant has submitted this SDCL 11-6-19 Review to address the storm sewer design revisions.

The proposed project is located within the Creek Drive right-of-way from St. Charles Street north to Rapid Creek.

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 Rapid City Planning Commission." The proposed storm sewer improvement project is located in public right-of-way requiring that the proposed construction be reviewed and approved by the Rapid City Planning Commission as a part of an SDCL 11-6-19 Review.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review and has noted the following issues:

Design Plan: The previously approved construction plans for the storm creek improvement within the Creek Drive right-of-way identified a 36 inch storm sewer outfall pipe being extended from St. Patrick Street to Rapid Creek. The applicant has submitted revised construction plans identifying that the size of the pipe has been increased to 48 inches in order to accommodate drainage from proposed development on an adjacent property. Because the statutes require the review of "the location and extent" the applicant has submitted the revised plan for review. Staff has expedited the review of the revised plan to assist the developer. Staff is recommending that the storm sewer be constructed in compliance with the approved plans as revised. In addition, the construction plans must be revised to address red lined comments and returned to the Growth Management Department.

Flood Plain: Staff has identified that a portion of the subject property is located within the federally designated 100 year floodplain. As such, staff is recommending that a Flood Plain Development Permit be obtained prior to construction on that portion of the subject property that lies within the flood plain.

Wetlands: Staff has identified that a portion of the subject property may be located in a federally designated wetlands area. As such, staff is recommending that prior to the start of construction a 404 permit shall be obtained from the U.S. Army Corps of Engineers if and as needed.

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