

STAFF REPORT  
July 6, 2006

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**No. 06SR053 - SDCL 11-6-19 Review to relocate a portion of sewer line**

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**ITEM 15**

GENERAL INFORMATION:

PETITIONER	James S. Steele Construction Co., Inc.
REQUEST	<b>No. 06SR053 - SDCL 11-6-19 Review to relocate a portion of sewer line</b>
EXISTING LEGAL DESCRIPTION	Lots 4 and 5, Steele Subdivision, located in the NW1/4, SE1/4, NE1/4 SE1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.19
LOCATION	2944 and 2951 Evergreen Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	6/6/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to relocate a portion of sewer line be approved with the following stipulation:

1. The sewer main shall be relocated and constructed as per the approved construction plans.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to relocate a portion of a sewer main located along the west side of the subject property. In addition, the applicant has submitted a Vacation of Utility Easement request to vacate a portion of a utility easement located along the west lot line of the subject property. (See companion item #06VE014.)

The property was platted as a part of the Steele Subdivision in 1999. On August 2, 2004, the City Council denied a request to vacate a portion of the utility easement located along the west lot line. In particular, it was noted that the single family residence was located

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within the utility easement, approximately 8.47 feet from the sewer main. Due to concerns with the close proximity between the sewer main and the residential structure and potential damage(s) that may occur if the sewer main required maintenance and/or replacement, the City Council denied the request. As such, the applicant has submitted this SDCL 11-6-19 Review to relocate a portion of the sewer main to provide additional area between the structure and the sewer main.

The subject property is located at the southern terminus of Evergreen Drive. Currently, a single family residence with an attached garage is located on the property.

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 utility relocation is a public improvement 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 Review and has noted the following consideration:

**Construction Plans:** The construction plans show relocating the 8 inch water main approximately five feet west of its current location as it abuts the subject property. In addition, the construction plans show the installation of three man holes to accommodate the proposed reconstructed sewer main alignment. Staff is recommending that the sewer main be relocated and constructed as per the approved construction plans.

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