

STAFF REPORT
May 10, 2007

No. 07SR014 - SDCL 11-6-19 Review to allow the construction of a public sewer ITEM 10

GENERAL INFORMATION:

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| PETITIONER | City of Rapid City |
| REQUEST | No. 07SR014 - SDCL 11-6-19 Review to allow the construction of a public sewer |
| EXISTING LEGAL DESCRIPTION | The W1/2 NW1/4 SE1/4 less Spring Brook Acres Subdivision, and less Lot H2; NW1/4 SW/14 SE1/4; and Catron Boulevard Right-of-way located adjacent to Lot 2, Potts Subdivision; all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| LOCATION | Catron Boulevard, Vineyard Lane, Golden Eagle Drive |
| EXISTING ZONING | General Agriculture District - Park Forest District and Public District |
| SURROUNDING ZONING | |
| North: | General Agriculture District - Low Density Residential District (Planned Residential Development) |
| South: | General Agriculture District |
| East: | Low Density Residential District (Planned Residential Development) - Office Commercial District (Planned Commercial Development) - General Agriculture District |
| West: | Low Density Residential District (Planned Residential Development) - Medium Density Residential District (Planned Residential Development) |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 2/9/2007 |
| REVIEWED BY | Vicki L. Fisher / Todd Peckosh |

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the construction of a public sewer be **continued to the May 24, 2007 Planning Commission meeting to allow the applicant to submit revised construction plans.**

GENERAL COMMENTS:

(Update, April 27, 2007. All revised and/or added text is shown in bold print.) This item was continued at the April 26, 2007 Planning Commission meeting to allow the applicant to submit revised construction plans relocating portions of the proposed sewer main. To date, the revised construction plans have not been submitted for review and approval. As such, staff is recommending that this item be continued to

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the May 24, 2007 Planning Commission meeting to allow the applicant to submit the revised construction plans as proposed.

(Update, April 14, 2007. All revised and/or added text is shown in bold print.) This item was continued at the April 5, 2007 Planning Commission meeting to allow the applicant to submit revised construction plans relocating portions of the proposed sewer main. To date, the revised construction plans have not been submitted for review and approval. As such, staff is recommending that this item be continued to the May 10, 2007 Planning Commission meeting to allow the applicant to submit the revised construction plans as proposed.

(Update, March 24, 2007. All revised and/or added text is shown in bold print.) This item was continued at the March 22, 2007 Planning Commission meeting to allow the applicant to submit revised construction plans relocating portions of the proposed sewer main. To date, the revised construction plans have not been submitted for review and approval. As such, staff is recommending that this item be continued to the April 26, 2007 Planning Commission meeting to allow the applicant to submit the revised construction plans as proposed.

(Update, March 12, 2007. All revised and/or added text is shown in bold print.) This item was continued at the March 8, 2007 Planning Commission meeting at the applicant's request. In particular, the applicant indicated that revised construction plans would be submitted for review and approval relocating portions of the proposed sewer main. To date, the revised construction plans have not been submitted for review and approval. As such, staff is recommending that this item be continued to the April 5, 2007 Planning Commission meeting to allow the applicant to submit the revised construction plans as proposed.

The applicant has submitted a SDCL 11-6-19 Review to extend an eight inch sanitary sewer main from Stoney Creek #2 Subdivision east and south along Catron Boulevard approximately 1,700 feet. In addition, the applicant is proposing to extend an eight inch sanitary sewer main from Catron Boulevard north approximately 230 feet to Golden Eagle Drive and from Catron Boulevard north approximately 70 feet to Vineyard Lane.

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 sewer extension is a public utility improvement within public right-of-way 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:

Construction Plans: City staff has reviewed the construction plans and has noted several

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revisions. In particular, the construction plans must be revised to provide an all weather surface access road to the manhole(s) located in the Golden Eagle Drive right-of-way and Catron Boulevard right-of-way. Staff has also noted that the depth of the sanitary sewer main along Catron Boulevard limits sewer service to properties west of Catron Boulevard. The adjacent property, Potts Subdivision, was platted in 2005 and is currently served with on-site wastewater system(s). Growth Management staff is currently working with Public Works staff to determine if the depth of the sewer must be lowered to provide future sewer service to the adjacent property. Staff is recommending that prior to Planning Commission approval, all necessary changes be made to the construction plans as identified. In addition, the red lined drawings must be returned to the Growth Management Department.

Sanitary Sewer Easement: As previously indicated, an eight inch sanitary sewer main is being extended from Catron Boulevard right-of-way north approximately 230 feet to Golden Eagle Drive. A portion of this sanitary sewer main is located on privately owned property, outside of right-of-way. As such, staff is recommending that prior to Planning Commission approval, a 30 foot wide Rapid City sanitary sewer easement be obtained and a copy recorded at the Register of Deed's Office for that portion of the sewer main extending across the Arlene Ham property.

Right-of-way Permit/Air Quality Permit: The portion of the proposed sanitary sewer extension is located in City right-of-way. As such, the applicant should be aware that a Right-of-way Permit must be obtained from the City prior to the start of construction. In addition, an Air Quality Permit must be obtained from the City prior to any surface disturbance of one or more acres.