

STAFF REPORT  
August 9, 2007

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**No. 07SR043 - SDCL 11-6-19 Review to extend a public sewer main**

**ITEM 44**

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GENERAL INFORMATION:

PETITIONER	Renner Engineering for the Salvation Army
REQUEST	<b>No. 07SR043 - SDCL 11-6-19 Review to extend a public sewer main</b>
EXISTING LEGAL DESCRIPTION	Lot 11 of Block 5 of Gus Haines, Tract 1 of Outlot B less Lot A-C and less Lot 1 of Horizon Subdivision, and Lot 1 of Horizon Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.21
LOCATION	South of E. St. Patrick Street and east of Ivy Avenue
EXISTING ZONING	General Commercial District - Medium Density Residential District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District - Medium Density Residential District
East:	General Commercial District
West:	Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/13/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the extension of a sewer main be approved with the following stipulation:

1. Prior to Planning Commission approval, 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; and,
2. Prior to Planning Commission approval, temporary and permanent easements for the sewer main extension project shall be recorded at the Pennington County Register of Deeds office.

GENERAL COMMENTS:

The applicant has submitted an SDCL 11-6-19 Review to extend a sewer main from Hawthorne Avenue to Lot 1 of Horizon Subdivision. The proposed project is located south of East Saint Patrick Street and west of Hawthorne Avenue. The proposed project will be constructed across three privately owned parcels of land.

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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 extension 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 and has noted the following considerations:

**Air Quality Permit:** Staff noted that if more than an acre of land is disturbed an Air Quality Permit is required prior to construction.

**Right-of-Way Permit:** A Right-Of-Way Permit must be obtained prior to any construction in the public right-of-way.

**Sewer Main:** Staff has reviewed the proposed sewer main project. Red line comments addressing required revisions and changes have been made on the plans. Staff recommends that prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings.

**Easements:** Staff noted that temporary and permanent easements are needed for the sewer main extension project. The applicant has submitted copies of the proposed temporary construction easements and permanent utility easements. Staff noted that prior to Planning Commission approval, the easements shall be recorded at the Pennington County Register of Deeds office.

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