

STAFF REPORT  
May 21, 2009

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**No. 09SR027 - SDCL 11-6-19 Review to construct a public sewer main**      **ITEM 20**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 09SR027 - SDCL 11-6-19 Review to construct a public sewer main</b>
EXISTING LEGAL DESCRIPTION	The East Boulevard Right-of-way adjacent to the north 90 feet of Lots 1 thru 3, the south 50 feet of Lots 1 thru 3, the north 75 feet of Lots 29 thru 32, the south 65 feet of Lots 29 thru 32, and the alley right-of-way adjacent to the south 50 feet of Lots 1 thru 3, Lots 3 and 4, Lots 27 and 28 and the north 75 feet of Lots 29 thru, all in Block 110 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South
LOCATION	The alley and right-of-way east of East Boulevard between Kansas City Street and Quincy Street
EXISTING ZONING	High Density Residential District
SURROUNDING ZONING	
North:	General Commercial District
South:	High Density Residential District
East:	High Density Residential District
West:	High Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/27/2009
REVIEWED BY	Jared Ball / Mary Bosworth/ <b>Vicki L. Fisher</b>

RECOMMENDATION:

**Staff will recommend that the SDCL 11-6-19 Review to construct a public sewer main be approved if the applicant submits an Erosion and Sediment Control Plan and a complete set of construction plans for review and approval prior to the May 21, 2009 Planning Commission meeting.**

GENERAL COMMENTS:

**(Updated May 8, 2009. All revised and/or added text is shown in bold print.) This item was continued at the May 7, 2009 Planning Commission meeting to allow the applicant to submit an Erosion and Sediment Control Plan and a complete set of**

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**construction plans. As of this writing, the information has not been submitted for review and approval. Staff will notify the Planning Commission at the May 21, 2009 meeting if this information has not been submitted as required.**

(Updated April 27, 2009. All revised and/or added text is shown in bold print.) This item was continued at the April 23, 2009 Planning Commission meeting because the applicant had not submitted an Erosion and Sediment Control Plan or a complete set of construction plans.

The location of the proposed sanitary sewer main is south of Kansas City Street and north of Quincy Street on the west side of East Boulevard and the alley that is located to the east of East Boulevard. The applicant is proposing to construct an 8 inch Polyvinyl Chloride Sanitary Sewer main. The proposed sanitary sewer main will extend 289 feet south of Kansas City Street and 124 feet west of East Boulevard within the existing alley.

South Dakota Codified Law 11-6-19 states that “whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission”. The proposed location for the sanitary sewer main is 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 to construct a public sewer main and noted the following considerations:

Construction Plans:

A complete set of construction plans were not submitted with this application. Prior to Planning Commission approval, the applicant must submit a complete set of construction plans for review and approval. The plans must be signed and sealed by a registered Professional Engineer.

(Updated April 27, 2009.) On April 27, 2009 staff met with the applicant to discuss the construction plans required for the project. During that meeting, the applicant indicated that a full set of construction plans will be submitted for review and approval prior to the May 7, 2009 Planning Commission meeting.

**(Update: May 8, 2009.) As indicated above, the applicant has not submitted a complete set of construction plans as required. Staff will notify the Planning Commission at their May 21, 2009 Planning Commission meeting if the information has not been submitted for review and approval.**

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Erosion and Sediment Control Plan:

An Erosion and Sediment Control Plan was not submitted with this application. Prior to Planning Commission approval, the applicant must submit an Erosion and Sediment Control Plan that is signed and sealed by a registered Professional Engineer for review and approval.

(Updated April 27, 2009.) On April 27, 2009 staff met with the applicant to discuss the Erosion and Sediment Control plan. During that meeting, the applicant indicated that an Erosion and Sediment Control Plan would be submitted for review and approval prior to the May 7, 2009 Planning Commission meeting.

**(Update: May 8, 2009.) As indicated above, the applicant has not submitted an Erosion and Sediment Control Plan as required. Staff will notify the Planning Commission at their May 21, 2009 Planning Commission meeting if the information has not been submitted for review and approval.**

Staff will recommend that the SDCL 11-6-19 Review to construct a public sewer main be approved if the applicant submits an Erosion and Sediment Control Plan and a complete set of construction plans for review and approval prior to the **May 21, 2009** Planning Commission meeting.