

STAFF REPORT

June 4, 2009

No. 09SR043 - SDCL 11-6-19 Review to widen public streets, to extend public utilities and to construct drainage improvements **ITEM 27**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR043 - SDCL 11-6-19 Review to extend a public utility in public right-of-way
EXISTING LEGAL DESCRIPTION	Tower Road Right-of-way adjacent to Lot C of Skyview Subdivision, located in the NW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 10.6 acres
LOCATION	North of the intersection of Skyline Drive and Tower Road
EXISTING ZONING	Office Commercial District (Planned Development Designation) - Low Density Residential District (Planned Residential District)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development Designation)
South:	Office Commercial District (Planned Development Designation)
East:	General Commercial District
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/7/2009
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to extend a public utility in public right-of-way be approved if red line comments are addressed prior to Planning Commission approval of this item.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to extend an 8 inch water main along Tower Road for a distance of approximately 1,380 feet. The project will begin at the

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intersection of Sandstone Lane and Tower Road and tie into an existing water main in Tower Road.

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 request to extend a main in the Tower Road right-of-way is a public improvement. In addition, the property is identified 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 considerations:

Construction Plans: Upon review of the construction plans, staff has noted that additional protection and erosion control on the east side of the street at the beginning of the project is needed. In addition, the construction plans must be revised to address the removal and replacement of any drainage improvements as a result of the project. Staff recommends that prior to Planning Commission approval, the red line comments be addressed and revised construction plans be submitted for review and approval.

Maintenance: The construction plans also include overlaying this portion of Tower Road with 3 inches of pavement. However, this is a maintenance project for the existing street which does not result in the widening or extending of the street. As such, a SDCL 11-6-19 Review is not required for this portion of the project.

Permits: An Air Quality Permit must be obtained from the City prior to any surface disturbance of one or more acres. In addition, a Permit to Work in the Right-of-way must be obtained as needed prior to the start of construction.

The location and extent of the proposed extension of the 8 inch water main is consistent with the adopted Comprehensive Plan and the related regulations. As such, staff will recommend that the SDCL 11-6-19 Review be approved if red line comments are addressed prior to Planning Commission approval of this item.