

STAFF REPORT
July 9, 2009

No. 09SR047 - SDCL 11-6-19 Review to install sanitary sewer main in a public right-of-way **ITEM 12**

GENERAL INFORMATION:

APPLICANT/AGENT	Jerome Horst
PROPERTY OWNER	Horst Properties, LLC
REQUEST	No. 09SR047 - SDCL 11-6-19 Review to install sanitary sewer main in a public right-of-way
EXISTING LEGAL DESCRIPTION	Rand Road right-of-way located adjacent to Lot A of the NW1/4 NE1/4 less Lots H1 and H2 and Lot B of Tract F of the Deadwood Avenue Tract, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 19.08 acres
LOCATION	1130 Rand Road
EXISTING ZONING	Light Industrial District - General Commercial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District - Light Industrial District
East:	Light Industrial District
West:	General Commercial District - Light Industrial District
PUBLIC UTILITIES	Private water and sewer
DATE OF APPLICATION	5/18/2009
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to extend a sanitary sewer main in the public right-of-way be approved if the following additional information is submitted prior to Planning Commission approval:

1. All redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department, and;
2. An Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if required.

GENERAL COMMENTS: **Update, June 26, 2009. All revised and/or added text is shown in bold print.) This item was continued to the July 9, 2009 Planning Commission**

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meeting to allow the applicant to submit the required information. To date, no additional information has been submitted. As such, staff recommends that this item be approved if the above noted additional information is submitted prior to Planning Commission approval.

The applicant has submitted SDCL 11-6-19 Review to install a sanitary sewer main in the Rand Road public right-of-way south of Commerce Road.

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 construction is a public utility requiring that the Planning Commission review and approve the proposed construction.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Sanitary Sewer Main: Sanitary Sewer plans prepared by a Registered Professional Engineer showing the extension of a sewer main in the Rand Road right-of-way has been submitted for review and approval. Staff is recommending that prior to Planning Commission approval, all redline comments made on the construction plans must be addressed and resubmitted for review and approval. In addition, the red lined drawings must be returned to the Growth Management Department.

Stormwater Management Plan: The City Council has recently adopted a Stormwater Quality Manual which provides a set of criteria and technical guidance for erosion and sediment control at construction sites. Because site conditions will affect the suitability and effectiveness of erosion control measures, a plan specific to each site is required. Staff is recommending that prior to approval by the Planning Commission, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual be submitted for review and approval if required.

Staff finds that the location and extent of the proposed utility is in compliance with the adopted Comprehensive Plan and adopted regulations. As such, staff recommends that the SDCL 11-6-19 Review to install a sanitary sewer main in public right-of-way be approved if the above noted additional information is submitted.