

STAFF REPORT
August 27, 2009

No. 09SR073 - SDCL 11-6-19 Review to extend public utilities

ITEM 19

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR073 - SDCL 11-6-19 Review to extend public utilities
EXISTING LEGAL DESCRIPTION	Lot 2 of the SE1/4 NE1/4 less Lot H1 and Tract 10, Tract 10A less Lot H1 of the Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.1 acres
LOCATION	West of the intersection of Jackson Boulevard and Mountain View Road
EXISTING ZONING	Medium Density Residential District (Planned Residential Development) - Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	General Commercial District
East:	General Commercial District
West:	Flood Hazard District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	7/31/2009
REVIEWED BY	Patsy Horton / Mary Bosworth

RECOMMENDATION: Staff recommends that the SDCL 11-6-19 Review to extend public utilities be approved.

GENERAL COMMENTS: The applicant has submitted SDCL 11-6-19 Review to install a sanitary sewer main on public property located east of the Water Department and west of Clarkson Mt. View Rest Home. The project will provide sewer services to 2020 Jackson Boulevard and property to the east of Jackson Boulevard allowing abandonment of non-conforming sewer services once the project is complete.

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

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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 proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and identified the following concerns:

Easements: Currently the proposed utility extension is located within City of Rapid City Greenway Tracts. If, in the future, the City transfers ownership of the property leased by Clarkson Mountain View Rest Home, an access and utility easement will be required to secure the location of the sewer main prior to the property transfer.

Staff has reviewed the proposed SDCL 11-6-19 Review as it relates to the applicable provisions of the Rapid City Municipal Code and 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 on public property be approved.