

STAFF REPORT  
February 4, 2010

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**No. 10SR002 - SDCL 11-6-19 Review to extend public utilities in the right-of-way**

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**ITEM 33**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 10SR002 - SDCL 11-6-19 Review to extend public utilities in the right-of-way</b>
EXISTING LEGAL DESCRIPTION	Easy Street right-of-way located in the NE1/4 NE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.3 acres
LOCATION	Easy Street between Sheridan Lake Road and Skyview Drive and south of Corral Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District
East:	Low Density Residential District
West:	Low Density Residential District
PUBLIC UTILITIES	City sewer
DATE OF APPLICATION	1/11/2010
REVIEWED BY	Ali DeMersseman / Mary Bosworth

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to extend public utilities in the right-of-way be approved if the following issue is addressed prior to Planning Commission approval of this item:

1. All necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the revised construction plans and the red lined drawings shall be returned to the Growth Management Department for review and approval.

GENERAL COMMENTS: The applicant has submitted a SDCL 11-6-19 Review to construct an 8 inch sanitary sewer main approximately 1,200 linear feet along Easy Street. The proposed sewer main will connect to an existing manhole located at the intersection of

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Corral Drive and Easy Street.

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 public utility within public 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 improvement be reviewed and approved by the Rapid City Planning Commission.

**STAFF REVIEW:** Staff has reviewed the SDCL 11-6-19 Review to extend a public utility in the right-of-way and has noted the following considerations:

**Sewer Main:** As previously noted, 1,200 linear feet of 8 inch sanitary sewer main will be constructed within the Easy Street right-of-way to replace on-site waste water systems that currently serve residences along the street. Staff recommends that prior to Planning Commission approval, all necessary changes be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings and final sealed and signed construction plans must be returned to the Growth Management Department for review and approval.

**Sewer Manhole:** The applicant has submitted an Exception request to construct a sanitary sewer manhole approximately 20 feet off the road centerline in order to avoid conflicts with existing surface features during construction of the sanitary sewer main. This Exception request has been approved.

**Easy Street:** Planning Commission should be aware that the existing Easy Street right-of-way is not constructed to City design standards, and that the remaining public infrastructure is not currently in place, including City water, curb, gutter, sidewalks, and street light conduit. Since this request is limited to the construction of the sanitary sewer main, the applicant is not required to install the remaining infrastructure as part of this SDCL 11-6-19 Review. Any further development or platting that occurs along Easy Street will require that the street be constructed to City design standards and the remaining infrastructure be constructed.

**Permits:** Prior to the start of construction, an Erosion and Sediment Control Permit in accordance with the adopted Stormwater Quality Manual must be obtained. In addition, an Air Quality Permit must be obtained from the City prior to any surface disturbance of one or more acres. A Permit to Work in the Right-of-Way for Easy Street must be obtained from the City of Rapid City prior to construction.

The location and extent of the SDCL 11-6-19 Review to extend a public utility in the right-of-way appears to be consistent with the adopted Comprehensive Plan and the related

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regulations. As such, staff will recommend that the SDCL 11-6-19 Review be approved if the above noted red line comments are addressed prior to Planning Commission approval of this item.