

STAFF REPORT  
April 22, 2010

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**No. 10SR018 - SDCL 11-6-19 Review to install a storm sewer system      ITEM 28**

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GENERAL INFORMATION:

APPLICANT/AGENT	Sweet Creek LLC
PROPERTY OWNER	James Bailey, Sweet Creek, LLC
REQUEST	<b>No. 10SR018 - SDCL 11-6-19 Review to install a storm sewer system</b>
EXISTING LEGAL DESCRIPTION	Deadwood Avenue right-of-way located adjacent to the south 33 feet of the east 200 feet of the NW1/4 SE1/4 less Lot H1 unplatted, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.101 acres
LOCATION	Southeast of the intersection of Krebs Drive and Deadwood Avenue
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	General Commercial District
South:	Light Industrial District
East:	Light Industrial District - General Agriculture District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/11/2010
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to install a storm sewer system be continued to the **May 6, 2010 Planning Commission meeting.**

GENERAL COMMENTS:

**(Update: April 9, 2010. All revised and/or added text is shown in bold print.) This item was continued at the April 22, 2010 Planning Commission meeting to allow the applicant to revise the construction plans addressing South Dakota Department of Transportation comments and to submit construction plans signed and sealed by a Professional Engineer. In addition, a drainage easement for the portion of the storm sewer system located on private property must be recorded and that a copy of the recorded easement must be submitted to the Growth Management Office for review**

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**and approval. To date, these issues have not been addressed. As such, staff recommends that the SDCL 11-6-19 Review be continued to the May 6, 2010 Planning Commission meeting to allow the applicant to address the outstanding issues as identified.**

The applicant has submitted a SDCL 11-6-19 Review to construct a drain line connecting a 24 inch drain line within the Deadwood Avenue right-of-way to a 24 inch drain line on the applicant's property.

The applicant's property is located approximately 100 feet south of the intersection of Krebbs Drive and Deadwood Avenue. Currently, the property is void of any structural development.

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 construct the storm sewer system as proposed 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:** The proposed improvements are an extension of the South Dakota Department of Transportation's drainage system for Deadwood Avenue. As such, the construction plans must meet all South Dakota Department of Transportation requirements. The South Dakota Department of Transportation staff has indicated that a pipe bend or other means will be necessary to accommodate the elevation difference between the pipes. In addition, the applicant is responsible for the pipe maintenance from and including the reinforced concrete pipe to the corrugated metal pipe transition easterly.

The applicant has submitted drawings showing the proposed construction. However, the drawings are not signed and sealed by a Registered Professional Engineer as required. As such, staff recommends that the SDCL 11-6-19 Review be continued to allow the applicant to submit construction plans signed and sealed by a Professional Engineer and to address the South Dakota Department of Transportation comments as noted.

**Easements:** An easement must be secured for that portion of the proposed storm sewer system located outside of right-of-way on the applicant's property. Staff recommends that prior to Planning Commission approval, a drainage easement for the portion of the storm sewer system located on private property be recorded and that a copy of the recorded easement

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be submitted to the Growth Management Office for review and approval.

Permit/Access: Prior to the start of construction, a Permit to Work in the Right-of-way must be obtained from the South Dakota Department of Transportation. The applicant should be aware that the South Dakota Department of Transportation staff has noted that no access rights are granted as a part of this project. In addition, a proposed approach at this location would not meet City and/or State design standards for access.

Staff recommends that the SDCL 11-6-19 Review be continued to the **May 6, 2010** Planning Commission meeting to allow the applicant to address the outstanding issues as identified above.