

STAFF REPORT
May 27, 2010

No. 10SR014 - SDCL 11-6-19 Review to construct drainage improvements on public property **ITEM 27**

GENERAL INFORMATION:

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| APPLICANT/AGENT | City of Rapid City |
| PROPERTY OWNER | City of Rapid City |
| REQUEST | No. 10SR014 - SDCL 11-6-19 Review to construct drainage improvements on public property |
| EXISTING LEGAL DESCRIPTION | Tract 25 less Lots H1 and H2 of Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 3 acres |
| LOCATION | North of Omaha Street between East Boulevard and Third Street |
| EXISTING ZONING | Flood Hazard District |
| SURROUNDING ZONING | |
| North: | Flood Hazard District - General Commercial District |
| South: | General Commercial District |
| East: | Flood Hazard District |
| West: | Flood Hazard District |
| PUBLIC UTILITIES | City sewer and water |
| DATE OF APPLICATION | 2/26/2010 |
| REVIEWED BY | Vicki L. Fisher / Ted Johnson |

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to construct drainage improvements on public property be approved if the following issues are addressed prior to Planning Commission approval:

- 1. The red lined drawings shall be returned to the Growth Management Department;**
- 2. A Floodplain Development Permit in compliance with the Flood Area Construction Regulations as per Chapter 15.32 of the Rapid City Municipal Code shall be obtained and a copy shall be submitted to the Growth Management Department; and,**
- 3. A DM&E Railroad Permit shall be obtained for any work within the DM&E property and an executed copy shall be submitted to the Growth Management Department.**

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GENERAL COMMENTS:

(Update: May 14, 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 submit additional information. The applicant has subsequently revised the construction plans to address red lined drawings. To date, the red lined drawings have not been returned to the Growth Management Department.

A copy of the approved Permit to Work in the Right-of-way from the South Dakota Department of Transportation has been submitted for review and approval. The applicant has also indicated that a Floodplain Development Permit has been obtained. To date, a copy of the approved permit has not been submitted to the Growth Management Department. In addition, a DM&E Railroad Permit for the proposed work on the DM&E property has not been submitted for review and approval. Staff will notify the Planning Commission at their May 27, 2010 meeting if this information has not been submitted for review and approval.

(Update: April 12, 2010. All revised and/or added text is shown in bold print.) This item was continued at the March 25, 2010 Planning Commission meeting to allow the applicant to submit the additional information as identified above. As of this writing, the information has not been submitted for review and approval. Staff will notify the Planning Commission at their April 22, 2010 meeting if this information has not been submitted for review and approval.

The applicant has submitted a SDCL 11-6-19 Review to construct three storm water quality ponds on the property. The project includes the construction of concrete diversion structures, concrete outlet structures and concrete storm pipe. The ponds are being constructed to improve storm water discharge quality to Rapid Creek from Omaha Street and the downtown area. In particular, initial storm water run-off will be diverted from the three existing storm pipes to the three proposed storm water quality ponds, where sediment and contamination will separate from the storm water prior to discharging into Rapid Creek.

The property is located north of Omaha Street between East Boulevard and Third Street. 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 drainage improvements on public property as identified 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.

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REVIEW:

Staff has reviewed the SDCL 11-6-19 Review to extend the public utility and has noted the following considerations:

Construction Plans: Staff has noted that prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department.

Permits: An Air Quality Permit must be obtained from the City prior to any surface disturbance of one or more acres. Prior to the start of construction, an Erosion and Sediment Control Plan must be submitted for review and approval and an Erosion and Sediment Control Permit must be obtained. In addition, a Stormwater Permit must be obtained from the South Dakota Department of Environment and Natural Resources prior to any surface disturbance.

Omaha Street: The construction plans identify a temporary access being constructed along Omaha Street to serve as a construction access route. Prior to Planning Commission approval, a Permit to Work in the Right-of-way must be obtained from the South Dakota Department of Transportation to allow and construct the temporary access from Omaha Street.

Floodplain: The property is located within the 100 year Federally designated Floodplain. In addition, a majority of the project is located within the floodway. As such, prior to Planning Commission approval, a Floodplain Development Permit in compliance with the Flood Area Construction Regulations as per Chapter 15.32 of the Rapid City Municipal Code must be obtained. In addition, a 404 Permit from the Corp of Engineers must be obtained if and as warranted.

DM&E Railroad Property: A portion of the project extends into property owned by the DM&E Railroad. As such, prior to Planning Commission approval, a DM&E Railroad Permit must be obtained for any work within the DM&E property.

The location and extent of the proposed drainage improvements on public property 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 the above noted issues are addressed prior to Planning Commission approval of this item.