

STAFF REPORT
January 21, 2010

No. 09SR121 - SDCL 11-6-19 Review request to install public utilities in the public right-of-way **ITEM 22**

GENERAL INFORMATION:

APPLICANT/AGENT	Chris Haiar of SDN Communications
PROPERTY OWNER	N/A
REQUEST	No. 09SR121 - SDCL 11-6-19 Review request to install public utilities in the public right-of-way
EXISTING LEGAL DESCRIPTION	Along Deadwood Avenue adjacent to Lot E of SW1/4 NE1/4 less right-of-way, SW1/4 SW1/4 NE1/4 less south 50 feet of the south 50 feet of the NW1/4 SW1/4 NE1/4 less right-of-way, Lots A-D & R-S of the SW1/4 NE1/4, Lot C of NW1/4 SE1/4 & vacation of a portion of Deadwood Avenue adjacent to said Lot, less Lots H-1(E) & H-2 Lot FR of the NW1/4 SE1/4, Lot 3 of BHP Addition, Lot 1 of BHP Addition, along West Chicago Street adjacent to Lot 1 of BHP Addition, along Sheffer Street adjacent to Lot A of Block 12-13 of Providence Subdivision, along West Omaha Street adjacent to Lot A of Block 12-13 of Providence Subdivision, Lot BR of Block 12-13 of Providence Subdivision, Lot CR of Block 12-13 of Providence Subdivision, Lot A (of Lot 4R) and BLOCK 14R of Providence Subdivision, Lot 4R of Block 14 of Providence Subdivision, and Lot CR of Block 12-13 of Providence Subdivision, all located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .001 acres
LOCATION	Deadwood Avenue and West Chicago Street
EXISTING ZONING	General Commercial District - Heavy Industrial District - Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District - General Commercial District - Heavy Industrial District
South:	Light Industrial District - General Commercial District
East:	Low Density Residential District - Light Industrial District
West:	Light Industrial District - General Commercial District - Heavy Industrial District
PUBLIC UTILITIES	City water and sewer

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DATE OF APPLICATION 12/23/2009

REVIEWED BY Ali DeMersseman / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review request to install public utilities in the public right-of-way be approved.

GENERAL COMMENTS: The applicant has submitted a SDCL 11-6-19 Review request to extend fiber optic cable and associated facilities in the public right-of-way along a portion of Deadwood Avenue, West Omaha Street, West Chicago Street and Sheffer 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 the fiber optic cable as identified is a public improvement. In addition, the property is 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 request to install public utilities in the public right-of-way and has noted the following considerations:

Grading and Drainage: The applicant has submitted an Erosion and Sediment Control Plan for review and approval. A note on the plans indicates that all disturbed areas will be stabilized or reclaimed in a timely manner.

Water and Sewer: A 5 foot separation from City water and sewer must be maintained at all times. A note and dimensions regarding this separation is noted on the plans. In addition, utility crossing details are also included on the plans. Staff recommends that the fiber optic cable be installed as per the approved plans.

Trench Contractor: The applicant should be aware that the trench contractor must be licensed with the City of Rapid City prior to the start of construction.

Installation at Street Crossings: The installation of utilities must be by trenchless methods for street crossings as shown on the submitted plans.

Permits: A Permit to Work in the Right-of-Way for West Chicago Street and Deadwood Avenue must be obtained from the South Dakota Department of Transportation prior to the start of construction. In addition, a Permit to Work in the Right-of-Way from the City of Rapid City

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must be obtained for West Omaha Street and Sheffer Street prior to the start of construction.

The location and extent of the proposed utility extension appears to be consistent with the adopted Comprehensive Plan and the related regulations. As such, staff recommends that the SDCL 11-6-19 Review to install a public utility in the public right-of-way be approved.