

STAFF REPORT
January 21, 2010

No. 09SR122 - SDCL 11-6-19 Review request to install public utilities in the public right-of-way **ITEM 23**

GENERAL INFORMATION:

APPLICANT/AGENT	Chris Haiar of SDN Communications
PROPERTY OWNER	Greentree
REQUEST	No. 09SR122 - SDCL 11-6-19 Review request to install public utilities in the public right-of-way
EXISTING LEGAL DESCRIPTION	Lot B of Lot 1R of Block 4 of Rushmore Regional Industrial Park and the Elk Vale Road, Jet Drive and Turbine Drive Rights-of-way adjacent to Lot B of Lot 1R of Block 4, Lot 1 of Block 3, Lot 7R of Block 2, Lot 1R of Block 2 of Rushmore Regional Industrial Park, all located In Section 4 T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .007 acres
LOCATION	Elk Vale Road, Turbine Drive and Jet Drive
EXISTING ZONING	Light Industrial District
SURROUNDING ZONING	
North:	Light Industrial District
South:	General Commercial District
East:	General Commercial District
West:	Light Industrial District
PUBLIC UTILITIES	City water and sewer
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 Jet Drive, Turbine Drive, and Elk Vale Road within the Rushmore Regional Industrial Park.

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

STAFF REPORT
January 21, 2010

No. 09SR122 - SDCL 11-6-19 Review request to install public utilities in the public right-of-way **ITEM 23**

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 Jet Drive and Turbine Drive must be obtained from the City of Rapid City prior to construction. In addition, a Permit to Work in the Right-of-Way must be obtained from the South Dakota Department of Transportation for Elk Vale Road 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.