

STAFF REPORT
March 25, 2010

No. 10SR010 - SDCL 11-6-19 Review to construct public utilities in the right-of-way **ITEM 43**

GENERAL INFORMATION:

APPLICANT/AGENT	Chris Haiar SDN Communications
PROPERTY OWNER	John B. Duffield
REQUEST	No. 10SR010 - SDCL 11-6-19 Review to construct public utilities in the right-of-way
EXISTING LEGAL DESCRIPTION	Along the Haines Avenue right-of-way adjacent to Lots A, C and D of Lot 1 of Tract B and Lot 2 of Tract B of Control Data Subdivision, Lots 1 and 2 of Best Subdivision, Lot 1 of Lowe's Subdivision, all located in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and Lot A less right-of-way, Lot B, the south 156.52 feet of Lot C, Lot C less the north 156.52 feet and less the south 156.52 feet, the north 156.52 feet of Lot C all located in the SW1/4 SE1/4, Lots 1 and 2 of Block 10 and Lots 1 and 2 of Block 9 of McMahon Industrial Park No. 2, and Lot 2 of Block 9 of McMahon Industrial Park No. 2, all located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and the Interstate 90 right-of-way adjacent to Lot D of Lot 1 of Tract B of Control Data Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.208 Acres
LOCATION	Portions of Haines Avenue right-of-way and Interstate 90 right-of-way
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Commercial District
East:	General Commercial District - General Agriculture District
West:	General Commercial District - Low Density Residential District - Neighborhood Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/12/2010

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REVIEWED BY

Ali DeMersseman / Karley Halsted

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to construct public utilities in the right-of-way be approved if the following additional information is submitted prior to Planning Commission approval:

1. Revised plans addressing all red line comments be submitted for review and approval.

GENERAL COMMENTS: The applicant has submitted a SDCL 11-6-19 Review request to extend fiber optic cable in the public right-of-way along portions of the North Haines Avenue and Interstate 90 right-of-way to an existing cellular communication tower located at 3060 Haines Avenue.

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 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. Staff has indicated that the note on the plans must be revised to read “all disturbed areas to be stabilized or reclaimed with 14 days.” In addition, staff has noted that any grading work in the right-of-way along the east side of North Haines Avenue must provide for a flat surface to facilitate the future extension of sidewalks. As such, staff recommends that prior to Planning Commission approval, revised plans addressing all red line comments be submitted for review and approval.

Utilities: A minimum 5 foot separation from City utilities must be maintained at all times. Staff has indicated that the submitted plans must be revised to show all City utilities within the affected area, and that the applicant must verify the locations of all service lines at 3060 Haines Avenue. As such, staff recommends that prior to Planning Commission approval, revised plans addressing all red line comments be submitted for review and approval.

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.

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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 Interstate 90 must be obtained from the South Dakota Department of Transportation and a Permit to Work in the Right-of-Way from the City of Rapid City must be obtained for North Haines Avenue 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 will recommend that the SDCL 11-6-19 Review to construct public utilities in the right-of-way be approved if the above noted information is submitted prior to Planning Commission approval.