

STAFF REPORT
March 25, 2010

No. 10SR012 - SDCL 11-6-19 Review to install a public utility in public right-of-way **ITEM 44**

GENERAL INFORMATION:

APPLICANT	Chris Haiar SDN Communications
AGENT	Tim Larson for CHR Solutions
PROPERTY OWNER	N/A
REQUEST	No. 10SR012 - SDCL 11-6-19 Review to install a public utility in public right-of-way
EXISTING LEGAL DESCRIPTION	Sedivy Lane right-of-way adjacent to Lot U revised of Tract A, Lot 0 revised of Tract A and Lot I of Tract A of Schlottman Addition, the west 100 feet of Lot A of Tract A of SE1/4 of the SE1/4, Tract B of E1/2 of the SE1/4, Lot 4 of the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, Platted and the East Highway 44 right-of-way adjacent to Lot 17, Hillsvievw Subdivision, Lot 6 of NW1/4 of the SE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, Platted, and Tract A, Marshall Subdivision, all located in, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.01 Acres
LOCATION	Adjacent to Sedivy Lane and S.D. Highway 44
EXISTING ZONING	Public District - Low Density Residential District - General Commercial District - Light Industrial District - Heavy Industrial District
SURROUNDING ZONING	
North:	Public District
South:	General Commercial District - Light Industrial District
East:	Light Industrial District - Heavy Industrial District - General Commercial District
West:	Public District - Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/26/2010
REVIEWED BY	Ali DeMersseman / Karley Halsted

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RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to install a public utility in public 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 East Highway 44 and Sedivy Lane.

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 a public utility 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. Staff has indicated that the note on the plans must be revised to read “all disturbed areas to be stabilized or reclaimed within 14 days.” 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 all City utilities must be maintained at all times. Staff has indicated that the submitted plans must be revised to show all utility lines within the affected area to ensure that the required minimum separation is maintained. 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.

Installation at Street Crossings: The installation of utilities must be by trenchless methods for street crossings.

Permits: A Permit to Work in the Right-of-Way for East Highway 44 must be obtained from the

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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 must be obtained for Sedivy Lane prior to the start of construction. Further, staff has indicated that any work in the State Railroad Right-of-way will also require a permit from the South Dakota Department of Transportation 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 install a public utility in the public right-of-way be approved if the above noted information is submitted for review and approval prior to Planning Commission approval.