

STAFF REPORT

April 8, 2010

No. 10SR019 - SDCL 11-6-19 Review to install a public utility in the public right-of-way

ITEM 26

GENERAL INFORMATION:

APPLICANT	Chris Haiar SDN Communications
AGENT	Tim Larson for CHR Solutions
PROPERTY OWNER	City of Rapid City
REQUEST	No. 10SR019 - SDCL 11-6-19 Review to install a public utility in the public right-of-way
EXISTING LEGAL DESCRIPTION	East Meade Street Right-of-way adjacent to Lot 4 less Lot A, Lot A of Lot 4 of Nicholl's Subdivision, Cherry Avenue right-of-way adjacent to Lot A of Lot 4, the west 100 feet of Lot 3 of Nicholl's Subdivision, the East St. Francis Street Right-of-way adjacent to Tracts A, B and C of the NW1/4 NE1/4 and Tract D of the NW1/4 NE1/4 less Lot 1 of Tract D and less Midland Subdivision (platted), and Lots 1 and 2 of Midland Subdivision, all located in Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.9 Acres
LOCATION	East Meade Street, Cherry Avenue and East St. Francis Street Rights-of-way between Aspen Avenue and East St. Joseph Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	Medium Density Residential District- General Commercial District
South:	Medium Density Residential District - Heavy Industrial District
East:	Light Industrial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/11/2010
REVIEWED BY	Ali DeMersseman / Mary Bosworth

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RECOMMENDATION:

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

GENERAL COMMENTS: The applicant has submitted a SDCL 11-6-19 Review request to install fiber optic cable in the public right-of-way along portions of East Meade Street, Cherry Avenue and East Saint Francis 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 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 and cleanup issues will be addressed within 14 days.

Utilities: A minimum 5 foot separation from all City utilities 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.

Permits: A Permit to Work in the Right-of-way must be obtained from the City of Rapid City prior to the start of construction.

The location and extent of the proposed utility installation 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.