

STAFF REPORT

April 8, 2010

No. 10SR020 - SDCL 11-6-19 Review to install a public utility in the public right-of-way

ITEM 27

GENERAL INFORMATION:

APPLICANT	Chris Haiar SDN Communications
AGENT	Tim Larson for CHR Solutions
PROPERTY OWNER	City of Rapid City
REQUEST	No. 10SR020 - SDCL 11-6-19 Review to install a public utility in the public right-of-way
EXISTING LEGAL DESCRIPTION	The MacArthur Street Right-of-way adjacent to Lot C, located in the SE1/4 SE1/4 (less a portion of Tract A and MacArthur Street) of Marshall Heights Tract, the North Maple Avenue Right-of-way adjacent to Lot C, located in the SE1/4 SE1/4 (less a portion of Tract A and MacArthur Street), Lot S-1 (less a portion of Tract A and MacArthur Street), Lots K1-A and K1-B of Lot K1 and Lot K1-E of K-1 of Marshall Heights Tract, all in Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Interstate 90 Right-of-way adjacent to Lot 1 of Lot K2-C of Marshall Heights Tract, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.9 Acres
LOCATION	A portion of MacArthur Street Right-of-way and the North Maple Avenue Right-of-way between Anamosa Street and U.S. Interstate 90
EXISTING ZONING	Public District - Medium Density Residential District - General Commercial District
SURROUNDING ZONING	
North:	Shopping Center 2 District
South:	Low Density Residential District - Medium Density Residential District - Office Commercial District
East:	Medium Density Residential District
West:	Low Density Residential District - Medium Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/11/2010

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REVIEWED BY

Ali DeMersseman / Ted Johnson

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 MacArthur Street and North Maple 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 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.

Bus Shelter at N. Maple Avenue: The City of Rapid City has plans to install a bus shelter at the northeast corner of the intersection of N. Maple Avenue and Surfwood Drive. The applicant’s plans identify the location of the proposed bus shelter and demonstrate that the proposed fiber optic cable installation will not conflict with the bus shelter location.

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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.