

STAFF REPORT
October 5, 2006

**No. 06SR065 - SDCL 11-6-19 Review to construct public ITEM 19
improvement in the public right-of-way**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 06SR065 - SDCL 11-6-19 Review to construct public improvements in the public right-of-way
EXISTING LEGAL DESCRIPTION	The public rights-of-way of Main Street and Saint Joseph Street between 9 th Street and 5 th Street, adjacent to Blocks 82 through 85 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	Main Street and Saint Joseph Street between 9 th Street and 5 th Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	9/19/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow the construction of public improvements in the public right-of-way be approved with the following stipulations:

1. An electrical permit and right-of-way permit must be obtained prior to any construction;
2. All plans shall be sealed and signed by a Registered Professional Engineer and/or Architect per SDCL 36-18A;
3. All signage shall comply with Section 15.28 of the Rapid City Municipal Code; and,
4. Prior to issuance of a permit, the applicant shall obtain Historic 11.1 Review approval from the Historic Preservation Commission.

GENERAL COMMENTS: The applicant is seeking a SDCL 11-6-19 Review approval to install 16 banner poles in the public right-of-way along Main Street and Saint Joseph Street between 9th Street and 5th Street.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has

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adopted a comprehensive plan, then 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 until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". As previously indicated, the subject property is publicly owned land requiring that the Planning Commission review and approve the proposed construction.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review request as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Building Permit: Staff noted that an electrical permit and right-of-way permit must be obtained prior to any construction. Staff also noted that all plans shall be sealed and signed by a Registered Professional Engineer and/or Architect per SDCL 36-18A.

Signage: Staff noted that all signage shall comply with Section 15.28 of the Rapid City Municipal Code.

Historic 11.1 Review: Staff noted that approval of a Historic 11.1 1 review is required prior to issuance of a building permit. Staff also noted that an application has been submitted for Historic 11. 1 Review and the application will be reviewed at the October 6, 2006 Historic Preservation Commission meeting.

Location: Staff noted that the applicant shall coordinate the location of the proposed banner poles so they do not interfere with existing driveways, building entrances, utilities, and fire apparatus access to hydrants.

Staff is recommending approval of the SDCL 11-6-19 Review with the above stated stipulations.