

STAFF REPORT  
January 22, 2009

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**No. 08SR097 - SDCL 11-6-19 Review to allow a structure on Public Property**      **ITEM 60**

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GENERAL INFORMATION:

APPLICANT	City of Rapid City
AGENT	Destination Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 08SR097 - SDCL 11-6-19 Review to allow a structure on Public Property</b>
EXISTING LEGAL DESCRIPTION	Lots A-B and CR of Block 4 and Block 14 and Block 24 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	N/A
LOCATION	444 North Mount Rushmore Road
EXISTING ZONING	Civic Center District
SURROUNDING ZONING	
North:	Civic Center District
South:	Flood Hazard District
East:	Civic Center District
West:	Civic Center District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	12/26/2008
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review to allow a structure on public property be approved if the following additional information is submitted prior to Planning Commission approval:

1. Revised site plans drawn to scale must be submitted for review and approval;
2. Structural information regarding the anchoring of the kiosks must be submitted for review and approval prior to Planning Commission approval; and,
3. A copy of the Memorandum of Agreement must be signed by Destination Rapid City.

GENERAL COMMENTS: Destination Rapid City has submitted this SDCL 11-6-19 Review application to obtain permission to locate a structure on public property. The monument

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style informational kiosk sign is to be located in front of the southwest entrance to the Civic Center.

The property is located in the Civic Center Zoning District. The land to the east, north and west is zoned Civic Center District. The land to the south is zoned Flood Hazard District.

The six foot tall and four foot wide kiosk is to be made of tarnished green steel and anchored to the sidewalk with bolts. The kiosk will not be lighted, but a six inch pole is part of the structure that will allow electrical connections in the future if warranted. A round ball with a decorative scroll will be located on top of the pole. The pole side will be towards the driving surface adjacent to the Civic Center. Information will be located on both sides of the kiosk in a three foot by five foot space. The information includes a "you are here" map of downtown on one side, listing member businesses and locations for retail shopping districts, restaurant districts, office districts, and public building districts. The reverse side will include gateway graphics and information for the events at the Civic Center. The kiosks will not be used for advertising purposes beyond identification of the various business locations or community events.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has 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". The informational kiosk is located on public property and is identified as being located within the area covered by the Rapid City Comprehensive Plan requiring that the structure be reviewed and approved by the Rapid City Planning Commission.

**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 considerations:

**Site Plan:** The applicant has submitted preliminary site plans indicating the location of the kiosk. However, a site plan drawn to scale must be submitted for review and approval prior to Planning Commission approval, indicating the location of utilities, any site distance triangles, any structures in the area, the location of the Civic Center and the doors into the Civic Center, and any curb cuts or right-of-way locations. The kiosk will need to be evaluated in regard to any evacuation plans for the Civic Center.

**Anchoring:** The kiosks are to be made of steel with a bottom steel plate anchored to the sidewalk with bolts. Structural information regarding the anchoring of the kiosks must be submitted for review and approval prior to Planning Commission approval.

**Memorandum of Agreement:** Destination Rapid City has indicated that they intend to purchase the kiosks and have them erected. The ownership of the kiosks will then be transferred to the City of Rapid City. Destination Rapid City will assume the continued maintenance of

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the kiosks. The City Attorney's staff is preparing a Memorandum of Agreement addressing these issues for the City Council's approval. Prior to Planning Commission approval, a copy of the Agreement must be signed by Destination Rapid City.

Adopted Comprehensive Plan: The adopted Comprehensive Plan identifies the property as appropriate for public uses. The installation of an informational kiosk for public use will provide an additional benefit for patrons of the Civic Center and is consistent with the Comprehensive Plan.

Staff will recommend that this SDCL 11-6-19 Review be approved at the January 22, 2009 Planning Commission meeting if the above referenced issues have been addressed.