

STAFF REPORT
July 23, 2009

No. 09SR057 - SDCL 11-6-19 Review to place structures in the right-of-way **ITEM 22**

GENERAL INFORMATION:

APPLICANT/AGENT	FourFront Design, Inc.
PROPERTY OWNER	Swanders Restoration, LLC
REQUEST	No. 09SR057 - SDCL 11-6-19 Review to place structures in the right-of-way
EXISTING LEGAL DESCRIPTION	The 7th Street right-of-way adjacent to the north 40 feet of Lot 32 of Block 83 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.11 acres
LOCATION	517 7th 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	6/12/2009
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to place structures in the right-of-way be approved.

GENERAL COMMENTS: (Update: July 10, 2009. All revised and/or added text is shown in bold). This item was continued to the July 23, 2009 Planning Commission meeting to allow the applicant to obtain approval in writing from the Public Works Director or his or her designee for the structures and submit a revised site plan. On July 10, 2009, the applicant obtained approval in writing from the Public Works Director and submitted a revised site plan removing the bike rack located in the Seventh Street parking area. As such, staff recommends that this item be approved.

The applicant has submitted this SDCL 11-6-19 Review to install structures in the public

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right-of-way. The applicant is proposing to install bike racks, benches, and planters in the Seventh Street right-of-way.

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 proposed construction is a public street requiring that the Planning Commission review and approve the proposed construction.

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

Unlawful Obstructions: Section 12.20.020 (C) of the Rapid City Municipal Codes states that it is unlawful for any person to place containers or bicycle racks which in any manner obstructs or interferes with the free use of such public street, road, alley, sidewalk or public ground. In addition, Section 12.20.020 (D)(1) of the Rapid City Municipal Code states that the placement and design of the tree planters, attached benches and the types of trees used shall be approved by the Public Works Director or his or her designee. As such, staff recommends that prior to Planning Commission approval the applicant shall obtain approval in writing from the Public Works Director or his or her designee and that the bike rack located in the Seventh Street parking area shall be removed.

On July 10, 2009, the applicant obtained approval in writing from the Public Works Director and submitted a revised site plan removing the bike rack located in the Seventh Street parking area. As such, staff recommends that this item be approved.