

STAFF REPORT  
November 19, 2009

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**No. 09SR098 - SDCL 11-6-19 Review to allow a structure on public property**      **ITEM 29**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 09SR098 - SDCL 11-6-19 Review to allow a structure on public property</b>
EXISTING LEGAL DESCRIPTION	The North Maple Avenue Right-of-way adjacent to Lots S-1 (Less a portion of Tract A and MacArthur St) of Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	1501 North Maple Avenue
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Low Density Residential District - Medium Density Residential District - General Commercial District
South:	Public District - Low Density Residential District - Office Commercial District
East:	Low Density Residential District - Medium Density Residential District
West:	Low Density Residential District - Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/15/2009
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow a structure on public property be approved.

GENERAL COMMENTS: The applicant has submitted a SDCL 11-6-19 Review to allow a structure on public property. The proposed structure, a bus shelter, will be approximately 5 foot by 10 foot in size and 7 feet in height. The proposed materials for the structure are anodized dark bronze aluminum metal finish with polycarbonate glazing. The bus shelter will be secured on a concrete foundation with ½" by 6" anchor bolts. The bus shelter will be located at 1501 North Maple Avenue, adjacent to the North Middle School.

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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 allow a transit structure on public property requires Planning Commission review pursuant to the provisions of SDCL 11-6-19. In addition, the property is identified 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 and has noted the following considerations:

Section 12.20.030: Section 12.20.030.C of the Rapid City Municipal Code states that bus stop benches and shelters may be installed in the public right-of-way by the City or by a person operating under contract with the Rapid City Rapid Transit System and in compliance with the following requirements:

1. Clear sight triangles: Bus stop benches and/or shelters may not be placed in a manner which obstructs the sight triangle as provided in Chapter 17.50.335 of the Rapid City Municipal Code. Shelters may be constructed within this zone if they are designed of clear plastic or glass and do not block the vision of motorists.
2. Maintenance: Bus stop benches and shelters must be placed upon a hard surface so as to prevent sinking and unsightliness. The owner/distributor of bus stop benches must maintain the benches in a safe, attractive and repaired condition. The area around the benches or shelters must be mowed and kept free of litter.
3. Advertising: Advertising may be placed on benches commissioned by the Rapid City Rapid Transit System in accordance with Chapter 15.28.020 of the Rapid City Municipal Code code when the proposed benches are not in or immediately adjacent to a residential, central business, park forest or general agricultural zoning district.

The applicant has submitted information identifying that the transit shelter will be located and maintained in compliance with Chapter 12.20.030. In addition, the applicant has indicated that no advertising will be placed on the transit shelters.

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

Staff recommends that the SDCL 11-6-19 Review to allow a structure on public property be approved.