

STAFF REPORT
November 19, 2009

No. 09SR105 - SDCL 11-6-19 Review to allow a public structure

ITEM 36

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	DM&E Railroad Right-of-way
REQUEST	No. 09SR105 - SDCL 11-6-19 Review to allow a structure
EXISTING LEGAL DESCRIPTION	The 70 foot easement for highway purposes in DM&E right-of-way as described in Book 104, page 353 located in the SE1/4, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	At the northeast corner of the intersection of East St. Joseph Street and East St. Charles Street
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Flood Hazard District - Medium Density Residential District
South:	Light Industrial District - General Commercial District
East:	General Commercial District - Medium Density Residential District
West:	Medium Density Residential District - General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/15/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

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

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to allow a public transit shelter to be constructed within DM&E Railroad right-of-way located in the northeast corner of E. Saint Charles Street and E. Saint Joseph Street. The applicant has also submitted a structural elevation showing that the shelter will be approximately 5 foot wide by 10 foot long and 7 foot in height and constructed with anodized dark bronze aluminum finish with polycarbonate glazing. In addition, the transit shelter will be secured on a concrete foundation with ½" by 6" anchor bolts.

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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 structure on public property is a public improvement. 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:

Easement: The applicant’s site plan identifies that the transit shelter will be located within an easement secured from the Chicago and North Western Railroad Company for street or highway purposes. The City Attorney’s Office has determined that the transit shelter is consistent with the use of the easement for street or highway purposes.

Utilities: A 6 inch water main currently exists within the area of the proposed transit shelter. The applicant has submitted a site plan identifying that the placement of the transit shelter does not interfere with the existing water main and/or maintenance of the water main.

Permits: A Building Permit must be obtained prior to the start of construction.

The location and extent of the proposed transit shelter appears to be consistent with the adopted Comprehensive Plan and the related regulations. As such, staff recommends that the SDCL 11-6-19 Review be approved.