

STAFF REPORT
November 19, 2009

No. 09SR106 - SDCL 11-6-19 Review to allow the relocation of a structure on public property **ITEM 37**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR106 - SDCL 11-6-19 Review to allow the relocation of a structure on public property
EXISTING LEGAL DESCRIPTION	Soo San Drive right-of-way adjacent to Tract A of the SE1/4 NE1/4 and Tract B of the NE1/4 SE1/4, Section 4, T1N, R7E Rapid City, Pennington County, South Dakota
LOCATION	1003 Soo San Drive
EXISTING ZONING	Public District
SURROUNDING ZONING	
North:	Office Commercial District - Medium Density Residential District
South:	Public District
East:	Medium Density Residential District - No Use District - Office Commercial District
West:	Office Commercial District - Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/15/2009
REVIEWED BY	Vicki Fisher / Karley Halsted

RECOMMENDATION:

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

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to allow the relocation of a transit shelter along Soo San Drive. In particular, the applicant is proposing to move the existing shelter currently located across from West Middle School from the east side of Soo San Drive approximately 550 feet south of West Middle School to the west side of Soo San Drive, which will place the transit shelter on the same side of the street as the West Middle school

The applicant has also submitted a structural elevation showing that the shelter is

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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 relocated transit shelter will be secured on a concrete foundation with ½" by 6" anchor bolts.

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 relocate 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:

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 the 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 17.50.335. 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 this 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.

Pedestrian Access: The applicant has indicated that the primary users of the transit shelter are from West Middle School. A smaller number of uses are from the Soo San Hospital located east of Soo San Drive. Relocating the transit shelter to the same side of the street as West Middle School will eliminate the majority of the users from crossing the street to access the shelter. However, as a result of relocating the shelter, those users from the Soo San

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Hospital will cross Soo San Drive to access the transit shelter. The applicant has subsequently submitted an analysis identifying that warrants are not being met which would require the construction of a pedestrian crossing at this location. If in the future the use of the transit shelter should change, then a pedestrian crossing must be provided when warrants are met.

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

The location and extent of the proposed relocation of the 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.