

STAFF REPORT
December 10, 2009

No. 09SR097 - SDCL 11-6-19 Review to allow a structure on public property **ITEM 33**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR097 - SDCL 11-6-19 Review to allow a structure on public property
EXISTING LEGAL DESCRIPTION	Lots 20 thru 32 of Block 64 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
LOCATION	333 Sixth Street
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/15/2009
REVIEWED BY	Patsy Horton / Karley Halsted

RECOMMENDATION: Staff recommends that the SDCL 11-6-19 Review to authorize a reduction in the setback requirements by reducing the property line setback requirement to 9 feet from the property line and to allow a structure on public property be **approved**.

GENERAL COMMENTS: **(Update: November 20, 2009. All revised and/or added text is shown in bold print.) This item was continued at the November 19, 2009 Planning Commission meeting to allow the applicant to seek review from the Historic Preservation Commission. On November 20, 2009, the State Office of History determined that there was no adverse effect on historic properties within the Downtown Historic District environs from the proposed bus shelter located at 333 Sixth Street.**

The applicant has submitted an SDCL 11-6-19 Review to allow a structure on public property. The applicant provided structural elevations identifying that the bus shelter is approximately 5 foot by 10 foot in size and 7 feet in height and constructed with anodized dark bronze aluminum finish with polycarbonate glazing. The bus shelter will be secured on

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a new concrete foundation with ½" by 6" anchor bolts. A new 5 foot sidewalk will connect the bus shelter to the street. The bus shelter will be located near the Milo Barber Transportation Center at 333 Sixth Street.

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 Section 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 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 south of the Milo Barber Transportation Center on public property owned by the City of Rapid City approximately 9 feet north of the property line. Additionally, the applicant has indicated that the proposed shelter location does not impact the existing utilities located within the right-of-way. The applicant has indicated that the 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 shelter.

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

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construction.

Historic Environs: The proposed shelter location is within the historic environs of the Downtown Historic District and will need Historic Preservation Commission review and approval prior to the Planning Commission's consideration. As such, staff recommends that the 11-6-19 SDCL Review be continued to allow the Historic Preservation Commission to review and approval the shelter location. **On November 20, 2009, the State Office of History determined that there was no adverse effect on historic properties within the Downtown Historic District environs from the proposed bus shelter located at 333 Sixth Street.**

Staff recommends that the SDCL 11-6-19 Review to authorize a reduction in the setback requirements by reducing the property line setback requirement to 9 feet from the property line and to allow a structure on public property be approved.