

STAFF REPORT  
January 21, 2010

---

**No. 09SR119 - SDCL 11-6-19 Review to allow a public structure on public property**      **ITEM 21**

---

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Knollwood Townhouse Properties c/o Steven Burn
REQUEST	<b>No. 09SR119 - SDCL 11-6-19 Review to allow a public structure on public property</b>
EXISTING LEGAL DESCRIPTION	Lot K1-A of K1 Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.97 acres
LOCATION	1721 North Maple Avenue
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Medium Density Residential District
South:	Public District
East:	Medium Density Residential District
West:	Public District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	12/21/2009
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS: The applicant has submitted a SDCL 11-6-19 Review to allow a public 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 dark brown aluminum metal finish with polycarbonate glaze. The structure will be secured to a concrete foundation using ½" by 6" anchor bolts. The applicant also proposes to construct an extension of the sidewalk on the north side of Surfwood Drive east to North Maple Avenue. The bus shelter and sidewalk expansion will be located at 1721 North Maple Avenue. The applicant has secured and submitted a Permanent Easement document for the transit shelter.

STAFF REPORT  
January 21, 2010

---

**No. 09SR119 - SDCL 11-6-19 Review to allow a public structure on public property**      **ITEM 21**

---

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 shelter 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 triangles as provided in Chapter 17.50.335 of the Rapid City Municipal Code. Shelters may be constructed in 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 upon 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 agriculture zoning district.

The applicant has identified that the transit shelter will not be located within the vehicular sight triangle. The proposed shelter is located within the pedestrian sight triangle; however, the applicant has stated that no signs, maps or advertising will be placed on the shelter thereby making it compliant with Section 12.20.030. The applicant has indicated that the proposed shelter will be maintained in compliance with Section 12.20.030.

**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 transit shelter appears to be consistent with the adopted Comprehensive Plan and the related regulations. Staff recommends that the SDCL 11-6-19 Review to allow a structure on public property be approved.