

STAFF REPORT

February 20, 2003

No. 03SR012 - 11-6-19 SDCL Review to allow a promenade in public right of way

ITEM 24

GENERAL INFORMATION:

PETITIONER	Sandi Thirstrup for the Seventh Street Promenade Project
REQUEST	No. 03SR012 - 11-6-19 SDCL Review to allow a promenade in public right of way
EXISTING LEGAL DESCRIPTION	The Seventh Street right of way between Main Street and St. Joseph Street
LOCATION	7th Street between Main Street and St. Joseph Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	01/27/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow a promenade in public right of way be continued to the March 6, 2003 Planning Commission meeting to allow the applicant to revise the site plan and/or to consider an alternate location for the proposed activity.

GENERAL COMMENTS:

The applicant has submitted an 11-6-19 SDCL Review to allow a promenade within the Seventh Street right-of-way located between Main Street and St. Joseph Street. The applicant has indicated that the promenade will take place from 6:00 p.m. Saturday through 6:00 p.m. Sunday beginning on Memorial Day Weekend and ending on Labor Day Weekend. The promenade will begin with a dance on Saturday followed by movies being shown on a large canvas screen at dusk on the north side of the promenade. Venders will be able to be open during this time on the south half of the promenade. On Sunday, the promenade will consist of vending booths only with a maximum of 35 booths.

South Dakota Codified Law 11-6-19 states that "...whenever any such municipal council has

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adopted a comprehensive plan, then 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 until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission". The Seventh Street right-of-way is publicly owned property. In addition, the property is located within the area covered by the Rapid City Comprehensive Plan requiring that the proposed expansion be reviewed and approved by the Rapid City Planning Commission as a part of an 11-6-19 SDCL Review.

STAFF REVIEW:

Staff has reviewed the site plan and is concerned with several aspects of the proposal. In particular, the Fire Department has indicated that a minimum 20 foot wide emergency vehicle access lane must be provided through the proposed promenade site. The access lane can be barricaded at either end but must allow for the easy removal of the barricade(s) by emergency service personnel if needed. In addition, the site plan must be revised to provide access to all fire hydrants and/or other fire fighting appliances within the promenade area.

The Engineering Division has indicated that the Omaha Street reconstruction project will be on-going during the same time frame as the proposed promenade activity. It is anticipated that a large portion of the Omaha Street traffic will be re-routed to Main Street and St. Joseph Street. Closing this portion of the Seventh Street right-of-way for the proposed promenade activity may cause excessive traffic issues within the downtown area. As such, staff is recommending that the applicant consider an alternate location for the proposed promenade.

Chapter 17.50.220 of the Municipal Code regulates where and if a temporary use may be allowed requiring that a temporary permit be obtained from the Building Inspection Division. In addition, Chapter 12.28 of the Municipal Code identifies those uses allowed upon any city street that may require a parade permit from the City Police Department. The City Attorney's Office is currently reviewing whether the proposed use will require a temporary use permit or a parade permit. Staff will identify the correct permit required once a determination has been made by the City Attorney's Office.

Staff is recommending that the 11-6-19 SCDL Review be continued to the March 6, 2003 Planning Commission meeting to allow the applicant to revise the site plan as requested by the Fire Department and/or to consider an alternate location for the proposed activity.