

STAFF REPORT

March 27, 2003

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**No. 03SR012 - 11-6-19 SDCL Review to allow street dances, movies and vendors in public right of way**      **ITEM 10**

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GENERAL INFORMATION:

PETITIONER	Sandi Thirstrup for the Seventh Street Promenade Project
REQUEST	<b>No. 03SR012 - 11-6-19 SDCL Review to allow street dances, movies and vendors in public right of way</b>
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 street dances, movies and vendors in public right of way be **approved with the following stipulations:**

Engineering Division Recommendations:

1. **Temporary barricades shall be placed across Seventh Street at the north and south end of the proposed site during the time of the promenade. In addition, barricades shall be placed in the two alleys as they extend east and west from Seventh Street. In addition, signs shall be posted at the Eighth Street and the Sixth Street alley entrance points, respectively, identifying that the alley is barricaded and that no parking within the alley is allowed;**
2. **Trash cans shall be provided as identified. In addition, the site shall be policed in order to preclude trash from entering the storm sewer system;**

Fire Department Recommendations:

3. **A twenty foot emergency service access lane shall be provided through the**

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- proposed site;
4. The movie screen and all booths shall be constructed of fire retardant material(s);

**Building Inspection Division Recommendation:**

5. An Electrical Permit shall be obtained for any and all electrical work, per the State Wiring Bulletin and the Rapid City Municipal Code. All electrical work shall be performed by a licensed electrical contractor;

**City Attorney's Office Recommendation:**

6. A Parade Permit shall be obtained from the Rapid City Police Department for each of the proposed weekend(s);

**Urban Planning Division Recommendations:**

7. The promenade shall take place from 6:00 p.m. to 12:00 p.m. on Saturday and from 9:00 a.m. to 6:00 p.m. on Sunday beginning on Memorial Day Weekend and ending on Labor Day Weekend, 2003 only. The promenade shall consist of a street dance, movies and vending booths on Saturday and vending booths only on Sunday. A maximum of 35 vending booths shall be allowed at any one time;
8. All structures including chairs, booths, portable restrooms, trash receptacles and temporary barricades shall be removed Sunday night immediately following the event. The structures may remain Saturday night if security officer(s) are on duty throughout the night;

**GENERAL COMMENTS:**

This item has been continued twice since the February 20, 2003 Planning Commission meeting to allow the applicant to submit a revised site plan and/or to consider an alternate location for the proposed activity. This Staff Report has been revised as of March 17, 2003. All revised and/or added text is shown in bold print. 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. Vendors 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 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

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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. **On March 13, 2003, the applicant submitted a revised site plan providing a 20 foot wide emergency vehicle access lane through the site and to the fire hydrant(s). The Fire Department indicated that temporary barricades must be placed across Seventh Street at the north and south end of the proposed site during the time of the event. In addition, barricades must be placed in the two alleys as they extend east and west from Seventh Street. The Fire Department has also indicated that the proposed booths and movie screen must be constructed of fire retardant material(s).**

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. **The City Attorney's Office has indicated that a parade permit from the Rapid City Police Department must be obtained for each of the weekends. A temporary use permit will not be required since all of the proposed events are defined as a "parade" as per Chapter 12.28 of the Rapid City Municipal Code. However, the Building Inspection Division has indicated that an Electrical Permit must be obtained for any and all electrical work, per the State Wiring Bulletin and the Rapid City Municipal Code. In addition, the Building Inspection Division has indicated that all electrical work must be performed by a licensed electrical contractor.**

**The applicant has indicated that the event will operate from 6:00 p.m. to 12:00 p.m. on Saturday. In particular, the applicant has indicated that movies will be shown after dusk and may run 2 ½ to 3 hours. In some instances the movie may not end until 11:30. The applicant has indicated that all events will be closed and customers vacated prior to 12:00 p.m. Saturday night. In addition, the applicant has indicated that the event will operate from 9:00 a.m. to 6:00 p.m. on Sunday. If the Planning Commission determines that the proposed hours of operation are acceptable, then staff recommends that the hours of operation as proposed by the applicant be approved.**

**All structures including chairs, booths, portable restrooms, trash receptacles and**

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**temporary barricades must be removed Sunday night immediately following the event. The structures may remain Saturday night if security officer(s) are on duty throughout the night.**

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. **Upon further review, staff is recommending that the events be allowed as proposed for the 2003 summer season. The applicant must obtain the review and approval of a new 11-6-19 SDCL Review if the event(s) within the public right-of-way are proposed again in the future.**