

STAFF REPORT

July 10, 2003

No. 03SR036 - 11-6-19 SDCL Review to allow street dances, movies and vendors in public right of way **ITEM 40A**

GENERAL INFORMATION:

PETITIONER	Todd Rigione for the Seventh Street Promenade Project
REQUEST	No. 03SR036 - 11-6-19 SDCL Review to allow street dances, movies and vendors 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	07/03/2003
REPORT BY	Vicki L. Fisher

RECOMMENDATION:

Staff recommends that the 11-6-19 SDCL Review to allow 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, all litter and/or debris shall be removed from the property in a timely manner in order to preclude trash from entering the storm sewer system;

STAFF REPORT

July 10, 2003

No. 03SR036 - 11-6-19 SDCL Review to allow street dances, movies and vendors in public right of way **ITEM 40A**

Fire Department Recommendations:

3. A twenty foot emergency service access lane shall be provided through the 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 chairs, booths, 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; and,
9. The portable restrooms shall be removed from the site no later than 10:00 a.m. on Monday. In addition, the portable restrooms shall be chained to prevent the structures from being tipped over and/or removed illegally from the site;

GENERAL COMMENTS:

On April 10, 2003 the Planning Commission approved 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. Stipulations of approval of the 11-6-19 SDCL Review limit the time of use from 6:00 p.m. Saturday through 6:00 p.m. Sunday beginning on Memorial Day Weekend and ending on Labor Day Weekend. In addition, it was identified that 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.

On July 3, 2003, the applicant submitted a SDCL 11-6-19 Review request to revise a stipulation of approval that required the portable restrooms to be removed from the property Sunday night immediately following the event.

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,

STAFF REPORT

July 10, 2003

No. 03SR036 - 11-6-19 SDCL Review to allow street dances, movies and vendors in public right of way **ITEM 40A**

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:

The applicant is requesting consideration to allow the portable restrooms to be removed from the property on Monday in lieu of Sunday night immediately following the event. The applicant has indicated that it is very costly to have the company that leases the portable restrooms to remove the structures on Sunday, outside of typical working hours. During staff's review of the proposed request, it was noted that the portable restrooms could remain on the site if chained so as to prevent them from being tipped over and/or illegally removed from the site. In addition, it was recommended that the portable restrooms be removed from the site no later than 10:00 a.m. on Monday.

The Police Department has indicated that several noise nuisance complaints were received the first weekend of the event(s). However, to their knowledge, the noise nuisance has not occurred again since that first weekend.

The applicant has indicated that other than the revision to the time allowed for removal of the portable restrooms, the balance of the street dances, movies and vendor activities will continue as previously reviewed and approved. As such, staff is recommending that this SDCL 11-6-19 Review be approved with the stipulations as outlined above.