

STAFF REPORT

September 4, 2003

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**No. 03SR040 - 11-6-19 SDCL Review to allow street dances, movies and vendors in public right of way**      **ITEM 4**

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GENERAL INFORMATION:

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|----------------------------|--|
| PETITIONER                 | Todd Rigione for the Seventh Street Promenade Project  |
| REQUEST                    | <b>No. 03SR040 - 11-6-19 SDCL Review to allow street dances, movies and vendors in public right of way</b> |
| EXISTING LEGAL DESCRIPTION | 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        | 08/15/2003   |
| 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;

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#### 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);

#### Police Department Recommendation:

7. The Police Department Traffic Section shall be provided contact information for the individual(s) responsible for the event and those placing and removing the barricades. The named individual(s) shall be available at any time while the street is barricaded. Any changes in the contact information for any of the street closures shall be reported to the Police Traffic Section prior to the street closure;

#### Urban Planning Division Recommendations:

8. The promenade shall take place from 6:00 p.m. to 12:00 p.m. on Sunday beginning on Memorial Day Weekend and ending on October 31, 2003. In addition, use shall be allowed one Saturday per month for the months of November through May. 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;
9. All chairs, booths, trash receptacles and temporary barricades shall be removed Saturday night immediately following the event; and,
10. 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; and,
11. The SDCL 11-6-19 Review shall be approved to allow the use through December, 2004.

#### 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

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booths only with a maximum of 35 booths.

On July 10, 2003, the Planning Commission approved a subsequent 11-6-19 SDCL Review to revise a stipulation of approval to allow the portable restrooms to remain on the site until 10:00 a.m. Monday morning.

The applicant is now proposing another 11-6-19 SDCL Review to extend the proposed use through October. In addition, the applicant has indicated that the use will no longer be needed on Sunday's. The applicant has also requested that the use be allowed one Saturday per month from November through May.

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 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:

As previously indicated, the applicant is proposing to revise the hours and extend the months of operation as identified. The applicant has indicated that operating the promenade on Sunday's will no longer be necessary. The applicant is requesting to extend the use through October and to allow the use one Saturday per month from November through May. The applicant has indicated that extending the use as proposed will allow the participating downtown merchants and vendors to offer special events throughout the season(s) and holidays.

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 balance of City staff has not received any calls of concern regarding the promenade. As such staff is recommending that the 11-6-19 SDCL Review be approved with the altered hours of operation and the extended months of operation with the stipulation that the 11-6-19 SDCL Review is approved for one year only. If staff and/or the Police Department have not received any complaints regarding the use during that year, staff will recommend the 11-6-19 SDCL Review be approved for three years.