

STAFF REPORT

April 6, 2006

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**No. 06SR016 – SDCL 11-6-19 Review to allow temporary structures in the public right-of-way**      **ITEM 14**

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GENERAL INFORMATION:

PETITIONER	Festival of Presidents for United Downtown Association
REQUEST	<b>No. 06SR016 – SDCL 11-6-19 Review to allow temporary structures in the public right-of-way</b>
EXISTING LEGAL DESCRIPTION	The Sixth Street right-of-way adjacent to Lots 31 and 32 of Block 74; and Lots 14 thru 17 of Block 75, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.25 Acres
LOCATION	The Sixth Street right-of-way between Main Street and Apolda Street
EXISTING ZONING	Right-of-Way
SURROUNDING ZONING	
North:	General Commercial District
South:	Central Business District
East:	General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	3/6/2006
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION: Staff recommends that the SDCL 11-6-19 Review to allow temporary structures in the public right-of-way be continued to the April 20, 2006 Planning Commission Meeting to allow the applicant time to submit the required information.

GENERAL COMMENTS: The applicant is requesting approval of a SDCL 11-6-19 Review to allow temporary structures in the public right-of-way. The proposed Festival of President's site is located in the Sixth Street right-of-way between Main Street and Apolda Street. City Council approved an Event Permit on October 3, 2005 and a special Beer License on March 6, 2006 for 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, 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

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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". As previously indicated the proposed site is on publicly owned land requiring that the Planning Commission review and approve the proposed event.

STAFF REVIEW: Staff has reviewed the proposed SDCL 11-6-19 Review request as it relates to the applicable provisions of the Rapid City Municipal Code and has noted the following issues:

Portable Restrooms: The site plan indicates that twelve portable restrooms will be provided on the west side of the existing parking garage. Staff noted that a copy of the maintenance and pumping contract for the portable restroom was submitted by the applicant. Staff also noted that the portable restrooms must be secured during the event.

Fire Safety: Staff noted that a detailed plan showing the exact layout of tents, canopies, and other applicable structures is required for review and approval so emergency access can be reviewed. Prior to Planning Commission approval, a revised site plan must be submitted for review and approval.

Hours of Operation/Noise: Staff noted that the hours of operation and band noise are a concern for the residence of the area. Prior to Planning Commission approval, the applicant shall clarify the hours of operation for the event.

Ongoing Security/Maintenance: The safety of the special event participants and the maintenance of public property are a significant concern. Staff is recommending that the stipulations of approval requires the applicant to provide security for the duration of the special event and that special event staff shall continually monitor and remove trash from the site to prevent it from entering the storm sewer system.

Staff recommends that the SDCL 11-6-19 Review to allow temporary structures in the public right-of-way be continued to the April 20, 2006 Planning Commission Meeting to allow the applicant time to submit the required information as outlined above.