

STAFF REPORT
April 20, 2006

No. 06SR016 – SDCL 11-6-19 Review to allow temporary structures on public property **ITEM 12**

GENERAL INFORMATION:

PETITIONER	Festival of Presidents for United Downtown Association
REQUEST	No. 06SR016 – SDCL 11-6-19 Review to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	The Sixth Street right-of-way adjacent to Lots 31 and 32 of Block 74; and Lot 14 and Lots 17 through 23 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 and the parking lot on the corner of Sixth Street and Main Street
EXISTING ZONING	Central Business District/General Commercial District
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 on public property be approved with the following stipulations:

1. A Temporary Use Permit shall be obtained prior to initiation of the event;
2. The portable restrooms must be secured during the event;
3. Prior to initiation of the event, the applicant shall have received approval of an inspection for all tents and other facilities as required by the Fire Code;
4. The hours of the event shall be from 9:00 a.m. to 9:00 p.m. on June 30, 2006 and from 9:00 a.m. to 9:00 p.m. on July 1, 2006;
5. The applicant shall provide security for the duration of the special event;
6. Special event staff shall continually monitor and remove trash from the site to prevent it from entering the storm sewer system; and
7. The SDCL 11-6-19 Review to allow temporary structures in association with the

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Festival of Presidents Event shall be valid for one year.

GENERAL COMMENTS: **This staff report has been revised as of April 10, 2006. All revised and/or added text is shown in bold print.** The applicant is requesting approval of a SDCL 11-6-19 Review to allow temporary structures **on public property**. The proposed Festival of President's site is located in the Sixth Street right-of-way between Main Street and Apolda Street **and the parking lot on the corner of Sixth Street and Main 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 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:

Building Permits: **Staff noted a Temporary Use Permit shall be obtained prior to initiation of the event.**

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.

On April 4, 2006, the applicant met with staff and provided a plan showing the exact layout of tents, canopies, and other applicable structures meeting all the requirements for emergency access. Staff also noted that prior to initiation of the event, the applicant shall have received approval of an inspection for all tents and other facilities as required by the Fire Code.

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.

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On April 4, 2006, the applicant met with staff and stated the hours of the event will be from 9:00 a.m. to 9:00 p.m. on June 30, 2006 and from 9:00 a.m. to 9:00 p.m. on July 1, 2006.

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.

This item was continued on April 6, 2006 to the April 20, 2006 Planning Commission Meeting to allow the issues as identified above to be addressed.

Staff is recommending that the SDCL 11-6-19 Review to allow temporary structures on public property be approved with the above stated stipulations.