

STAFF REPORT
December 6, 2007

No. 07SR058 - SDCL 11-6-19 Review to allow temporary structures on public property **ITEM 18**

GENERAL INFORMATION:

APPLICANT	Festival of Presidents
AGENT	Russell Oubre
PROPERTY OWNER	City of Rapid City
REQUEST	No. 07SR058 - SDCL 11-6-19 Review to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	The Sixth Street Right-of-way adjacent to Lots 16 and 17 of Block 95, the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.29 acres
LOCATION	Southeast of the intersection of St. Joseph Street and Sixth Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	General Commercial District
West:	Central Business District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	11/9/2007
REVIEWED BY	Travis Tegethoff / Ted Johnson

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow temporary structures on public property be approved.

GENERAL COMMENTS: 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 Saint Joseph Street and Kansas City Street. The area will be used for a kid's carnival and will be held from June 27, 2008 to June 28, 2008. There will also be activities including a parade, food and craft vendors, and a street dance located in the Sixth Street right-of-way between Main Street and Apolda Street and

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the parking lot on the corner of Sixth Street and Main Street from June 27, 2008 to June 28, 2008 in conjunction with this event (see companion item #07SR059).

On February 22, 2007 Planning Commission approved a SDCL 11-6-19 Review (#07SR005) to allow temporary structures on public property for the Festival of Presidents event from June 29, 2007 to June 30, 2007.

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.

Fire Safety: The applicant submitted a plan showing the location of tents, canopies, and other structures. Staff 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 noise are a concern for the residents of the area. The applicant stated the hours of the event will be from 9:00 a.m. to 9:00 p.m. on June 27, 2008 and from 9:00 a.m. to 9:00 p.m. on June 28, 2008.

Ongoing Security/Maintenance: The safety of the special event participants and the maintenance of public property are a significant concern. The applicant indicated that security will be provide for the event from Thursday evening on June 26, 2008 while the event is being setup until Saturday night on June 28, 2008 when the event is being removed. Staff also noted that special event staff shall continually monitor and remove trash from the site to prevent it from entering the storm sewer system.

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