

STAFF REPORT  
March 6, 2008

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**No. 08SR011 - SDCL 11-6-19 Review to allow temporary structures on public property**      **ITEM 54**

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GENERAL INFORMATION:

APPLICANT	Festival of Presidents
AGENT	Russell Oubre
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 08SR011 - SDCL 11-6-19 Review to allow temporary structures on public property</b>
EXISTING LEGAL DESCRIPTION	Sixth Street right-of-way adjacent to Lots 31 thru 32 of Block 74 and Lots 14 thru 16 of Block 75 and Lots 17 thru 23 of Block 75 all located in the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.25 acres
LOCATION	Northeast of the intersection of Main Street and Sixth Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	General Commercial District
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/8/2008
REVIEWED BY	Jared Ball / Mary Bosworth

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow temporary structures on public property be continued until the March 27, 2008 Planning Commission meeting to allow the applicant to submit additional information.

GENERAL COMMENTS: The applicant is requesting approval of a SDCL 11-6-19 Review to allow temporary structures on public property. The Planning Commission previously approved two 11-6-19 Reviews related to The 2008 Festival of Presidents. On December 10, 2007 the Planning Commission approved 11-6-19 review requests (#07SR058 and

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#07SR059) to allow temporary structures on public property. The approved festival 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. The event will be held June 27, 2008 to June 28, 2008 with activities including a parade, food and craft vendors, and a street dance. There will also be a kid's carnival on Sixth Street between Saint Joseph Street and Kansas City Street from June 27, 2008 to June 28, 2008 in conjunction with the event. The applicant is now requesting to extend the closure of Sixth Street from Main Street to Apolda Street to include Thursday June 26, 2008 from 6:00 a.m. until Sunday June 29, 2008 at 12:00 noon. The applicant indicated that the extra time is needed to allow a work crew to assemble and disassemble the stage that is going to be used during the festival. (See companion items #07SR058, #07SR059, and #08SR008).

STAFF REVIEW: 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.

Main Street Sidewalk: The side walk along Main Street must remain open throughout the duration of the 2008 Festival of Presidents to insure adequate pedestrian access.

Parade/Event Permit: Prior to Planning Commission approval a Parade/Event Permit shall be obtained and a copy of the approved permit must be submitted to the Growth Management Department. This permit must be obtained for any event involving the closing of public streets for temporary events. Concerns have been raised regarding access to the businesses located along Sixth Street. The applicant should discuss these issues with the Rapid City Police Department as part of the Parade/Event Permit prior to Planning Commission Approval of the request.

Hours of Operation/Noise: Staff noted that the hours of operation and noise have been a concern for residents during past events in the downtown 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.

Fire Safety: The applicant submitted a site plan showing the location of festival booths, tents and a stage to be located on Sixth Street. Staff noted that prior to initiation of the event the applicant must have all booths and other facilities inspected and approved as required by the Fire Code.