

STAFF REPORT
April 24, 2008

No. 08SR032 - SDCL 11-6-19 Review to allow temporary structures on public property **ITEM 40**

GENERAL INFORMATION:

APPLICANT/AGENT	Summer Nights on 7th
PROPERTY OWNER	City of Rapid City
REQUEST	No. 08SR032 - SDCL 11-6-19 Review to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	Seventh Street Right-of-way between St. Joseph Street and Main Street, Blocks 83 and 84 of Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	1 Acre
LOCATION	7th Street between St. Joseph Street and Main 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 Water/Sewer
DATE OF APPLICATION	3/28/2008
REVIEWED BY	Jared Ball / Karley Halsted

RECOMMENDATION:

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

GENERAL COMMENTS: The property is located on Seventh Street between Main Street and Saint Joseph Street. The proposed site is north of Saint Joseph Street and south of Main Street in the Seventh Street right-of-way. The property is currently zoned Central Business District. The property located north of the property is zoned Central Business District. The property located south of the property is zoned Central Business District. The property located east of the property is zoned Central Business District. The property located west of the property is zoned Central Business District.

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The Rapid City Downtown Association and the 2007 Rapid City Chamber of Commerce's Leadership Rapid City Class is proposing to hold Summer Nights on Seventh Street every Thursday night from June 12, 2008 through August 28, 2008 from 5:30 p.m. until 8:30 p.m. The events will consist of a stage being placed at one end of the street on which mostly local bands will be performing. The events will also include approximately 12 vendors, a kid's activity area, and a 50 foot by 50 foot beer garden which will be physically separated from the general admissions area by a fence. Admittance to the beer garden will be limited to those of age who are able to produce proper identification. Beverages available at the beer garden will be limited to beer and wine coolers. All persons serving alcohol will be required to go through the state mandated certification program for serving alcohol. As is common practice with any event of this nature, uniformed members of the Rapid City Police Department will be present at the events.

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 applicant is requesting that the Summer Nights on Seventh, including vendor tents and a main event tent, be held on public property 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 considerations:

Vendors: The vendors will be located on the site from 3:30 p.m. until 10:00 p.m. Approximately 12 vendors are proposed to be located at the site between Main Street and Saint Joseph Street in the Seventh Street right-of-way. Prior to initiation of the event an event permit must be obtained and a vendor inspection checklist must be submitted and approved by the Fire Department to meet the 2003 International Fire Code.

Beer Garden: The applicant is proposing to have a beer garden located on the event grounds. The Rapid City Code of Ordinances Section 15.12.050 states: "All applications for special malt beverage licenses and special on-sale wine licenses to be issued by the City shall be initially submitted to the City's Finance Officer, who shall submit the application to the Common Council, who shall have the discretion to approve or disapprove the application, depending on whether it deems the applicant a suitable person to hold the license and whether it considers the proposed location suitable." Prior to the initiation of serving of alcoholic beverages, the applicant shall receive a special malt beverage license.

Temporary Use Permit: Prior to initiation of the event a temporary use permit shall be obtained.

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Fire Code: The Fire Department has stated that the petitioner must submit complete plans for all proposed tents at the time a Temporary Use Permit application is submitted. Additionally, a tent checklist form and a tent inspection must be completed prior to initiation of the event and adequate access for Fire Department apparatus must be continually maintained for the duration of the special event.

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