

STAFF REPORT
May 7, 2009

No. 09SR032 - SDCL 11-6-19 Review to allow temporary structures in the public right-of-way **ITEM 28**

GENERAL INFORMATION:

APPLICANT	Suzette Cuny for Rapid City Downtown Association
AGENT	Steve Rolinger
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR032 - SDCL 11-6-19 Review to allow temporary structures in the public right-of-way
EXISTING LEGAL DESCRIPTION	In the Sixth Street right-of-way adjacent to Lots 16 and 17 of Block 75 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.22 acres
LOCATION	Sixth Street from Main Street north to the alley in Block 75 of the Original Town of Rapid City
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Central Business District
East:	Central Business District
West:	Central Business District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/3/2009
REVIEWED BY	Travis Tegethoff / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow temporary structures in the public right-of-way 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 event is for the Downtown Rapid City Show N' Shine and is located in the Sixth Street right-of-way between Main Street and Apolda Street. The event will be held on June 13, 2009 with activities including live music, a beer garden, and food and classic car vendors.

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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 four portable restrooms will be provided on the west side of the existing parking structure. Staff noted that the portable restrooms must be secured and maintained during 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 band noise are a concern for the residents of the area. The applicant stated the hours of the event will be from 3:00 p.m. to 7:00 p.m. on June 13, 2009. Sixth Street is scheduled to be closed from 1:30 p.m. to 8:00 pm. to allow for the installation and removal of barricades and structures.

Barricades: Staff noted that the barricades will be delivered to the site by Public Works Traffic Division staff and installed and removed by Police Department staff.

Rapid Transit: Staff noted that the proposed event will not affect the scheduled downtown trolley route in this area.

Ongoing Maintenance: The maintenance of public property is a significant concern. The applicant indicated that volunteers will continually monitor and remove trash from the site to prevent it from entering the storm sewer system.

Staff finds that the location and extent of the proposed temporary structures are in compliance with the adopted Comprehensive Plan and adopted regulations. As such, staff is recommending that the SDCL 11-6-19 Review to allow temporary structures on public property be approved.