

STAFF REPORT  
May 21, 2009

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**No. 09SR037 - SDCL 11-6-19 Review to allow temporary structures on public property**

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**ITEM 23**

GENERAL INFORMATION:

APPLICANT	Heidi Hershly for American Cancer Society
AGENT	George Larson
PROPERTY OWNER	City of Rapid City
REQUEST	<b>No. 09SR037 - SDCL 11-6-19 Review to allow temporary structures on public property</b>
EXISTING LEGAL DESCRIPTION	The Seventh Street right-of-way located adjacent to Lots 16 and 17 of Block 84 and alley right-of-way adjacent to Lots 1 and 32 of Block 83 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.90 acres
LOCATION	7th Street between Main and St. Joseph Streets
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 sewer and water
DATE OF APPLICATION	4/16/2009
REVIEWED BY	Vicki L. Fisher / Mary Bosworth

RECOMMENDATION:

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

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to hold a public event within the 7<sup>th</sup> Street right-of-way located between Main Street and St. Joseph Street on June 4, 2009. The event is being hosted by the American Cancer Society and the Rapid City Downtown Association. It will be known as the "Paint the Town Purple" event and will kick off the "Relay for Life" event that will take place the same day.

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The applicant has indicated that the event will take place from 4:00 p.m. through 9:00 p.m. which includes the time to set up, take down and clean the street. In addition, the event will include a stage located at the southern portion of the street and approximate 20 vendor stalls located along both sides of the street. The applicant has also indicated that a band will be playing on the stage.

South Dakota Codified Law 11-6-19 states that “whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, 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 as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission”. The proposed event is located within the area covered by the Rapid City Comprehensive Plan requiring that the improvements be reviewed and approved by the Rapid City Planning Commission.

**STAFF REVIEW:** Staff has reviewed the SDCL 11-6-19 Review to allow temporary structures on public property and has noted the following considerations:

**Permits:** The applicant has indicated that a Parade Permit has been submitted to the Rapid City Police Department for review and approval. The applicant should be aware, that prior to the initiation of the event, the Parade Permit must be obtained. In addition, a Temporary Use Permit must be obtained from the Growth Management Department prior to the initiation of the event.

**Vendors:** The applicant has indicated that the event will include approximately 20 vendor stalls. Prior to initiation of the event, a vendor inspection checklist must be submitted and approved by the Rapid City Fire Department to insure that the stalls are in compliance with the currently adopted International Fire Code.

**Portable Restroom Facilities:** The applicant's site plan identifies four portable restroom facilities located along the north side of the alley directly adjacent to 7<sup>th</sup> Street. The Rapid City Fire Department has indicated that the location of the portable restroom facilities will not impede emergency access during the event. The applicant has indicated that the portable restroom facilities will be removed from the alley immediately following the event or no later than 9:00 p.m. on June 4, 2009.

**Barricade Locations:** The event will require the closing of Seventh Street from Main Street to St. Joseph Street from 4:00 p.m. to 9:00 p.m. on June 4, 2009. The applicant has indicated barricades will be placed at both ends of 7<sup>th</sup> Street during the event. In addition, the applicant has indicated that they are working with the Rapid City Police Department to insure that the barricades are installed and removed by the Rapid City Police Department personnel as is typically done for these types of events.

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Trolley Route: A representative from the Rapid Transit notified staff that the closure of the street will have a negative impact on the trolley route. However, the trolley will be changing its route to accommodate the event.

The location and extent of the proposed festival are consistent with the adopted Comprehensive Plan and the related regulations. As such, staff recommends that the SDCL 11-6-19 Review to allow temporary structures on public property be approved.