

STAFF REPORT
September 24, 2009

**No. 09SR082 - SDCL 11-6-19 Review to allow temporary structures
in the public right-of-way**

ITEM 30 A

GENERAL INFORMATION:

APPLICANT/AGENT	Suzette Cuny for Destination Rapid City
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR082 - SDCL 11-6-19 Review to allow temporary structures in the public right-of-way
EXISTING LEGAL DESCRIPTION	Seventh Street right-of-way adjacent to Lots 1 thru 10 and Lots 25 thru 32 and the alley right-of-way of Block 93, Lots 1 thru 5 the north half of the vacated alley, the east half of Lot 26, all of Lots 27 thru 32, the south half of the vacated alley adjacent to Lots 28 thru 32 of Block 103, Lots 1 thru 3 less the west 18 inches of the south 37 feet of Lot 3, the east 15 feet of the north 62.5 feet of Lot 27, the north 62 feet of Lots 28 thru 32, the south 77.5 feet of the east 5 feet of Lot 29 and the south 77.5 feet of Lots 30 thru 32 and alley right-of-way of Block 113, all in the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.85 acres
LOCATION	Seventh Street right-of-way between St. Joseph Street and Columbus Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	General Commercial District - Public District
East:	High Density Residential District - Central Business District
West:	Central Business District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/8/2009
REVIEWED BY	Vicki L. Fisher / Karley Halsted

RECOMMENDATION:

Staff recommends that the SDCL 11-6-19 Review to allow temporary structures in the public right-of-way be approved.

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GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to hold a public event within the 7th Street right-of-way located from the intersection of St. Joseph Street to the intersection of Columbus Street. The event, to be known as the "Pumpkin Festival", is intended to bring a Fall and Harvest Festival to the Downtown area. The Festival is being sponsored by Destination Rapid City and community farmers, quilters and business owners within the area. The applicant has indicated that 7th Street will be closed; however, the intersections of St. Joseph Street, Kansas City Street, Quincy Street and Columbus Street will remain open during the event.

The applicant has indicated that the event will take place from 9:00 a.m. Friday, October 2, 2009 to 7:00 p.m. Saturday, October 3, 2009, which includes the time needed to set up and take down all structures for the event. The structures will include tents, a stage, fencing around the beverage area, a moon bounce for children, booths and trailers. In addition, the site plan identifies four portable restrooms to be located between Quincy Street and Columbus Street for patrons of the event. The site plan also identifies barricades at the intersections along 7th Street.

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. In addition, an Event Permit has been submitted for review and approval to allow the sale of alcohol at the proposed event. The Event Permit will be considered at the September 16, 2009 Legal and Finance Committee meeting and the September 21, 2009 City Council meeting. The applicant should be aware, that prior to the initiation of the event, the Parade Permit and the Event Permit must be obtained. In addition, Temporary Use Permits must be obtained from the Growth Management Department for any tents prior to the installation of the tents.

Vendors: The applicant has indicated that the event will include approximately 70 vendor booths. The applicant has indicated that an alternative plan may include trailers in lieu of booths to display the pumpkins and for the farmers market. In addition, the applicant has submitted site plan(s) showing both booths and trailers to demonstrate that emergency

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access is being maintained along 7th Street with either option. 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 booths, tents and/or trailers 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 west side of the 7th Street right-of-way between Quincy Street and Columbus Street. The Rapid City Fire Department has indicated that the location of the portable restroom facilities will not impede emergency access during the event.

Barricade Locations: The event will require the closing of Seventh Street from St. Joseph Street to Columbus Street. The applicant has indicated that the St. Joseph Street, Kansas City Street, Quincy Street and Columbus Street intersections along 7th Street will remain open during the event. The applicant has indicated barricades will be placed along 7th Street at all of the intersections as noted. 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.

Pedestrian Traffic: It is anticipated that the event will create a large volume of pedestrian traffic, similar to the pedestrian traffic generated by the 7th Street Summer Nights Event that has been held within a portion of this area over the past two years. During that event, police officers and Cadets in training assisted pedestrians to cross at the intersection of 7th Street and St. Joseph Street. The Traffic Division of the Rapid City Police Department has indicated that they will address the pedestrian safety issues as part of the Event Permit.

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.