



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

Growth Management Department

300 Sixth Street

Vicki Fisher, Planning Manager
Growth Management Department
city web: www.rcgov.org

Phone: 605-394-4120
Fax: 605-394-6636
e-mail: vicki.fisher@rcgov.org

MEMORANDUM

TO: Rapid City Planning Commission
FROM: Vicki L. Fisher, Planning Manager
DATE: October 24, 2009
RE: Review of Sidewalk Cafés

The Sidewalk Café Ordinance was approved in 2008. For the past two summers, sidewalk cafés have been operational in the downtown area. The Planning Commission has requested that staff review the operation of the sidewalk cafés and bring forward any recommendations regarding possible changes. Subsequently, staff members from the Police Department, the Fire Department, the Public Works Department, the South Dakota Department of Transportation and Destination Rapid City submitted comments regarding the current design and operation of the existing sidewalk cafés. Overall, the comments indicate that the sidewalk cafés have worked very well and have contributed to the downtown atmosphere. The following items have been identified for discussion:

1. Limit the hours of operation;

Limiting the hours of operation of a sidewalk café would serve to reduce noise in the downtown area in the later evening hours. This may be desirable due to the residences that also exist within this area. However, since most adjacent businesses are open until 2:00 a.m., limiting the hours of operation of the sidewalk café would be very difficult to enforce. The Police Department has indicated that they receive several noise complaints within the downtown area during the summer months; however, few complaints are due to the operation of the sidewalk café(s). As such, staff does not recommend that the Sidewalk Café Ordinance be amended to limit the hours of operation. Staff will continue to monitor the issue.



EQUAL OPPORTUNITY EMPLOYER

2. Reserve the ability to remove the sidewalk café in whole or part to allow for needed public improvements (such as street improvements, ADA accessibility or utilities);

There may be an instance where public improvements will be needed which will require that the sidewalk café be removed in whole or in part on a temporary or permanent basis. An example would be the construction of a turn lane at an intersection to accommodate increased traffic within an area. In particular, if the construction of the turn lane eliminates a portion of the adjacent sidewalk, it may be necessary to remove the sidewalk café in whole or part to accommodate the improvement. When appropriate, staff will stipulate as a condition of approval of the Sidewalk Café Permit that the sidewalk café may be removed in whole or in part on a temporary or permanent basis to allow public improvements as needed.

3. Require sidewalk markers to be placed on the sidewalk to establish the boundaries of the sidewalk café;

The Police Department has noted that the stanchions identifying the boundary of the sidewalk café are often moved by the patrons of sidewalk cafés that cater more towards lounge entertainment. This has typically not been an issue with sidewalk cafés that are adjacent to full service restaurants. Providing a marker on the sidewalk would allow the Police Officer to readily identify the limits of the approved sidewalk café and to move the stanchions as needed to comply with the approved boundary. Public Works staff has indicated that the placement of the markers should be inspected by staff prior to installation of the markers. As such, staff will stipulate as a conditional of approval of the Sidewalk Café Permit that markers identifying the boundary of the sidewalk café be installed placed on the sidewalk and that the proposed placement of the markers be inspected by staff. This requirement does not apply to sidewalk cafés that utilize an anchored railing.

4. Require the removal of the anchored railings when the sidewalk café is not in operation to insure snow removal during the winter months;

It is the property owner's responsibility to remove snow from the adjacent sidewalk. However, allowing the anchored railings to remain during the winter months may result in ice and/or snow build-up within this area. To date, only one sidewalk café has utilized anchored railings. Dublin Square has submitted a request to replace their stanchions with anchored railings but, to date; the request has not been approved by the Planning Commission. Since this will be the first winter that a sidewalk café has had anchored railings in place, staff recommends that the use of anchored railings be monitored to determine if anchored railings should be removed during the winter months.

5. Allow design changes to the Sidewalk Café as a Minimal Amendment to be reviewed and approved administratively with the provision that staff's decision may be appealed to the Planning Commission.

Recently, staff received a request to replace the stanchions around the boundary of a sidewalk café that were previously approved by the Planning Commission with anchored railings. However, since the current Sidewalk Café Ordinance does not provide for any method for approving changes to the approved sidewalk café design, the operator of the sidewalk café was required to submit a new Sidewalk Café Permit for review and approval by the Planning Commission. In order to expedite the review and to simplify the process, staff recommends that the Sidewalk Café Ordinance be revised to allow design changes to the Sidewalk Café as a Minimal Amendment to be reviewed and approved

administratively with the provision that staff's decision may be appealed to the Planning Commission.

Staff Recommendation: Authorize staff to draft an Ordinance Amendment for further review to allow design changes to the Sidewalk Café as a Minimal Amendment to be reviewed and approved administratively with the provision that staff's decision may be appealed to the Planning Commission.