

STAFF REPORT
May 7, 2009

No. 09SR030 - SDCL 11-6-19 Review to allow temporary structures on public property **ITEM 11**

GENERAL INFORMATION:

APPLICANT	Suzette Cuny for Rapid City Downtown Association
AGENT	Sandra Schwan
PROPERTY OWNER	City of Rapid City
REQUEST	No. 09SR030 - SDCL 11-6-19 Review to allow temporary structures on public property
EXISTING LEGAL DESCRIPTION	The Sixth Street right-of-way and adjacent alley adjacent to Lots 1 and 32 of Block 84 and the Seventh Street right-of-way and adjacent alley 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	Seventh and Sixth Streets between Main Street and St. Joseph 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 and Sewer
DATE OF APPLICATION	3/31/2009
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 applicant has submitted a SDCL 11-6-19 Review to allow temporary structures on public property. The application is for the second annual Summer Nights Festival. The proposed locations for the event are Sixth Street and Seventh Street between Main Street and Saint Joseph Street. The location of the proposed festival is

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currently zoned Central Business District. The adjacent properties to the north, south, east, and west are all currently zoned Central business District.

The applicant is proposing to close off Sixth Street and Seventh Street between Main Street and Saint Joseph Street from 3:30 p.m. until 10:00 p.m. every Thursday from June 11, 2009 through September 3, 2009. The festival will include several vendor booths along with a beer garden and a children's play area.

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 festival 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:

Site Plan: The applicant submitted a site plan with the application identifying vendor booths and portable restroom facilities along with a beer garden and a children's play area located on Sixth Street and Seventh Street between Main Street and Saint Joseph Street.

Vendors: The vendors will be located on the site from 3:30 p.m. until 10:00 p.m. Approximately 24 vendors are proposed to be located at the site between Main Street and Saint Joseph Street in the Sixth and Seventh Street rights-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 locate a beer garden 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.

Fire Code: The Fire Department has stated that the applicant 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

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and adequate access for Fire Department apparatus must be continually maintained for the duration of the special event.

Portable Restroom Facilities: The plans that were submitted with this application identify four portable restroom facilities located in each of the alleys west of Sixth Street and Seventh Street. On April 27, 2009 staff met with the Rapid City Fire Department and the Rapid City Police Department to discuss the locations of the restrooms. During that meeting, the Fire Department and Police Department staff indicated that the location of the portable restroom facilities is appropriate for the event and will not impede emergency access during the event.

Barricade Locations: The event will require the closing of Sixth Street and Seventh Street from Main Street to Saint Joseph Street and the alleys located to the east and west of Sixth Street and Seventh Street between 3:30 p.m. and 10:00 p.m. on the days of the event. On April 28, 2009 staff met with representatives from Rapid Transit, the Rapid City Police Department and the Rapid City Fire Department to discuss the locations of the barricades. During that meeting, the Police Department staff indicated that barricades will be provided by the Rapid City Public Works Department and installed and removed by the Rapid City Police Department personnel.

The barricades will be located at the north and south ends of Sixth and Seventh Streets between Main Street and Saint Joseph Street. In addition, barricades will be set up in the alleys to the east and west of Sixth Street and Seventh Street.

Trolley Route: On April 27, 2009 staff met with a representative of Rapid Transit to discuss the closing of Sixth Street and Seventh Street from Main Street to Saint Joseph Street. During that meeting, the representative from Rapid Transit notified staff that the closure of the streets will have a negative impact on the trolley route. However, the trolley will be changing its route to accommodate the festival.

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.