

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
September 20, 2018

MEMBERS PRESENT: Karen Bulman, Racheal Caesar, Mike Gollhofer, John Herr, Curt Huus, Mike Quasney, and Vince Vidal. Jason Salamun, Council Liaison was also present.

MEMBERS ABSENT: Erik Braun, Galen Hoogestraat, Eric Ottenbacher and Justin Vangraefschepe

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Kip Harrington, Sarah Hanzel, Patsy Horton, Ted Johnson, Todd Peckosh, Joel Landeen, Carla Cushman and Andrea Wolff.

Huus called the meeting to order at 7:00 a.m.

Huus reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Motion by Gollhofer seconded by Bulman and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 7 in accordance with the staff recommendations. (7 to 0 with Bulman, Caesar, Gollhofer, Herr, Huus, Quasney, and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the September 6, 2018 Planning Commission Meeting Minutes.
2. No. 18AN005 - Section 20, T2N, R8E
A request by City of Rapid City to consider an application for a **Resolution of Annexation of Prairie Acres South Mobile Home Park** for the W1/2 of the E1/2 of the SE1/4 of the SW1/4 Less Tract 1 of Vetsch Subdivision; the E1/2 of the W1/2 of the SE1/4 of the SW1/4; all of the section line right-of-way and dedicated right-of-way lying north of Seger Drive including plat of Lot H1 and dedicated right of way in the W1/2 of the E1/2 of the SE1/4 of the SW1/4 less Tract 1 Vetch's Subdivision and the E1/2 of the W1/2 SE1/4 of the SW1/4; plat of Lot H1 in the E1/2 of the E1/2 of the SE1/4 of the SW1/4; plat of Lot H1 in the SE1/4 less lots A, B, C and D; all of the dedicated right-of-way in Lot D of the Golden Eagle Subdivision in the SW1/4 of the SE1/4; plat of Lot H1 in Lot B in the SW1/4 of the SE1/4; plat of Lot H1 in W400' of Lot A in the S1/2 of the SE1/4; and plat of Lot H2 in Lot A Less W400' in the S1/2 of the SE1/4, all located in Section 20, T2N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Seger Drive, east of 143rd Avenue, west of Dyess avenue.

Planning Commission recommended approval of the Resolution of Annexation.

3. No. 18RZ025 - Providence Addition

A request by Joe Avvampato for Avvampato Construction Company, Inc. to consider an application for a **Rezoning request from General Commercial District to Medium Density Residential District** for Lots 9 thru 15 of Block 19 of Providence Addition, located in Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2821 West Rapid Street and 410 National Street.

Planning Commission continued the Rezoning request from General Commercial District to Medium Density Residential District to the October 25, /2018 Planning Commission meeting to meet the publication requirement for the revised request and to address a zoning code violation.

4. 18TP028 - 2019 Unified Planning Work Program – Draft Report

Planning Commission recommended approval of the 2019 Unified Planning Work Program – Draft Report

5. 18TP035 – Amendment No. 1 Agreement for Professional Services Agreement Between the City of Rapid City and Nelson\Nygaard Consulting Associates, Inc. for a No Cost Time Extension for the completion of the Coordinated Public Transit – Human Services Transportation Plan

Planning Commission recommended approval of Amendment No. 1 Agreement for Professional Services Agreement Between the City of Rapid City and Nelson\Nygaard Consulting Associates, Inc. for a No Cost Time Extension for the completion of the Coordinated Public Transit – Human Services Transportation Plan.

6. 18TP030 – Amendment No. 1 Agreement for Professional Services Agreement Between the City of Rapid City and SRF Consulting Group, Inc. for a No Cost Time Extension for the completion of the Rapid City Quiet Zone Assessment.

Planning Commission recommended approval of Amendment No. 1 Agreement for Professional Services Agreement Between the City of Rapid City and SRF Consulting Group, Inc. for a No Cost Time Extension for the completion of the Rapid City Quiet Zone Assessment.

7. 18TP031 – Amendment No. 2 Agreement for Professional Services Agreement Between the City of Rapid City and Felsburg Holt & Ullevig for a No Cost Time Extension for the completion of the Rapid City Area Transit Feasibility Study

Planning Commission recommended approval of Amendment No. 2 Agreement for Professional Services Agreement Between the City of Rapid City and Felsburg Holt & Ullevig for a No Cost Time Extension for the completion of the Rapid City Area Transit Feasibility Study.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

8. No. 18OA011 - Ordinance Amendment to Allow for Accessory Dwelling Units in Residential Districts

A request by City of Rapid City to consider an application for an **Ordinance Amendment to Allow for Accessory Dwelling Units in Residential Districts by Amending Title 17 of the Rapid City Municipal Code.**

Hanzel presented a brief overview of the ordinance amendment stating that the preparation of this Ordinance was a joint effort between multiple divisions of the City. Hanzel stated that an Accessory Dwelling Unit is defined as a subordinate permanent dwelling which has its own cooking, sleeping, and sanitation facilities and which is within or attached to a single-family residential building; or within a detached accessory structure associated with a single-family dwelling that is smaller than the primary structure, and that is not a mobile home or recreational building. Hazel acknowledged that Accessory Dwelling Units have been around virtually forever and are not a new idea. This Ordinance is an effort to create a positive impact on the housing market by allowing higher density without large apartment complexes allowing for affordability in the housing market. Accessory Dwelling Units can be internal or external, detached or attached and used for many reasons including income and family care. Hanzel reviewed the key factors of the Ordinance Amendment including the requirement for owner occupancy, requirement for length of occupancy, eligibility of property including lot size, and regulation of the property through registration with the City. Hanzel reviewed the criteria Accessory Dwelling Units will be required to meet for both existing units and new units. Hanzel stated that in the process of designing this ordinance amendment staff has held open houses; met with neighborhood groups and addressed the topic during Coffee with Planners.

In response to a question from Quasney as to how this will address existing apartments and duplexes, Fisher clarified the difference between a duplex and an Accessory Dwelling Unit stating that this Ordinance Amendment is not meant to address illegal duplexes. Quasney spoke to his concern that there may be confusion between the two operations. Fisher responded that this is the reason for the registration.

Landeen spoke to the issue of illegal duplexes, apartments and room rentals noting that this has been an ongoing issue and this ordinance is an opportunity to address this in the best way possible without creating undue burden on property owners, while providing a safe, reasonable option to allow a viable housing type.

In response to a question from Caesar regarding the requirement for separate access, Landeen stated access will be evaluated per a site plan submitted with registration.

Caesar stated that she really likes to see this issue being addressed and she

likes much of the Ordinance.

In response to questions from Herr to whether there will be inspections, control of length of rental agreements, ensuring insurance coverage is retained, Landeen stated that the idea is not to create an undue burden on staff or property owners, and as such the onus will be on the property owner to protect themselves and their property.

Fisher further noted that when property owner files for an Accessory Dwelling Unit the review process would allow staff to review the residence layout to ensure they were meeting the requirements. Additionally properties that are doing new construction or renovations for an Accessory Dwelling Unit would require a building permit and therefore inspections.

In response to Herr's question regarding Accessory Dwelling Units requirements, Fisher noted that the occupancy requirements mean either the primary structure or the Accessory Dwelling Unit must be owner occupied.

Bulman had numerous questions regarding the ordinance including the specific addressing of Accessory Dwelling Units in the Park Forest District, Hanzel stated that the reason for this distinction is to contain to a single structures to retain the park-like setting of the Park Forest District. Bulman also asked about requiring separate meters for gas and water. Fisher stated that Public Works requested Accessory Dwelling Units be metered as single-family with a single meter. Landeen discussed the reasons this is a good option, one of which is to re-inforce the owner occupied status. Additionally, Bulman questioned sections of page five of the Ordinance Amendment, asking why some requirements were required and others were not. Hanzel stated the reason there are different requirements for existing units than there are for new units is to avoid making it overly difficult for existing Accessory Dwelling Units to meet requirements.

In response to Bulman's question regarding the requirement for Accessory Dwelling Units to have a separate address, Fisher clarified that the intent is to require new Accessory Dwelling Units to have separate address, but staff is aware that this is not always possible for existing units. Staff will take this into consideration when reviewing an Accessory Dwelling Unit during the registration process. Fisher reviewed again, the definition of an Accessory Dwelling UNIT and stated that the idea of the Ordinance Amendment is to encourage property owners to voluntarily register not to make it onerous on property owners. Bulman replied that she understand the reasoning, but noted that the language is confusing. Fisher stated that staff would review the areas that Bulman has called to their attention.

Young thanked Bulman for her comments, stating that hey would be reviewed.

Bulman asked about requiring a miscellaneous document being filed or recorded identifying the property as an Accessory Dwelling Unit. Landeen reviewed his concerns regarding this requirement stating that he believes this creates the need for unnecessary miscellaneous documents that creates more issues than it

solves.

Bulman discussed her concerns regarding parking and stated that although she knows staff has tried to address this issue, she is not comfortable with the Ordinance Amendment.

In response to a question from Herr regarding liability and inspection of units to ensure compliance, Landeen stated that he does not believe that liability would be on the City and noted that the City does not inspect existing commercial apartments. Landeen spoke to the burden and cost of requiring every existing unit meet current code would basically make the Ordinance Amendment irrelevant. Landeen clarified this ordinance is not trying to make the use impossible but to provide some control on an existing problem.

Young reiterated that this Ordinance Amendment is an attempt to provide a basic minimum level of regulation to an existing issue. He stated that regardless of this Ordinance Amendment these units will continue to exist and to ignore that would be a failure as a local government to be responsible. Young reiterated that these will remain single-family homes with an additional use not a commercial property.

In response to a question from Bulman about what will encourage property owners to apply for the Accessory Dwelling Unit status, Fisher stated that insurance claims, financing, or sale of properties identifying the specific use of the property meets zoning. Fisher also stated that media coverage will be used to get this information out to the public.

Mike Derby, 3934 Park Drive, spoke, noting that he is a business owner and a licensed realtor, he stated that he understands the reason for and supports the ordinance but not at the expense of the lodging industry or single family neighborhoods. He stated that he has attended meetings on this item and has followed it closely. Derby provided an article regarding Accessory Dwelling Units and drew the comparison to Portland, Oregon and their addressing Accessory Dwelling Units and the downfalls that they have noted in the years since enacting. In response to Derby's question regarding the language addressing the requirement that the Accessory Dwelling Unit be owner occupied, Fisher clarified that the Ordinance Amendment requires that the property be owner occupied and staff will review the language to make this clearer. Derby addressed his concerns regarding the separate issue of Short Term Rentals and how the two will relate as well as the issue of subleasing.

In response to Caesar's question regarding the effect this may have on temporary housing business or Air B and Bs, and short term rentals such as renting houses for events such as the Sturgis Rally or the Central States Fair, Fisher stated that the language of the ordinance identifying 28 days could be modified to state monthly. She also stated that an Ordinance Amendment to specifically address Short Term Rentals is slated to be forthcoming.

Pat Roseland, 1318 West Boulevard, President of the West Boulevard Historic

Association, stated that the purpose of the West Boulevard Historic Association is to protect the historic district stating that he does not believe this ordinance shares that concern. Roseland said his concern addressed the potential for existing garages being made into Accessory Dwelling Unit units within the historic district and the smaller lots that are common in the area may create parking issues. He spoke to his concerns on the effects this will have on not only the Historic District but other neighborhoods.

Jean Kessloff, 1015 12th Street, stated that she believes that the Historic District should be left out of the areas that this use is allowed. She spoke to her concerns on the affects this has and will continue to have on the Historic District. Kessloff also stated that she does not believe this ordinance is enforceable.

Young thanked the Roseland and Kessloff for their comments and stated that one of the reasons for this ordinance is to help to specifically to protect the West Boulevard Historic District and will allow for the enforcement, review and identification of illegal usage.

Vidal spoke to his understanding of the use of Accessory Dwelling Units. He stated that the homeowner needs to be informed to the opportunities, both good and bad this could offer and he believes that this will be a good tool for the City.

In response to Vidal's question if the items addressed by Bulman's would be addressed prior to the final approval of the Ordinance Amendment, Fisher stated they would be reviewed and those that were deemed necessary would be modified.

A roll call vote was called.

Caesar moved, Gollither seconded and Planning Commission recommended approval of the Ordinance Amendment to Allow for Accessory Dwelling Units in Residential Districts by Amending Title 17 of the Rapid City Municipal Code. (4 to 3 with Caesar, Gollither, Huus and Vidal voting yes and Bulman, Herr and Quasney voting no)

9. Discussion Items

10. Staff Items

11. Planning Commission Items

A. Planning Commission Liaison for the October 1, 2018 City Council Meeting will be Erik Braun.

B. Election of Officers

Fisher stated that the annual election of office are decided at this the second meeting in September. Fisher stated they could reappoint current officers or nominate new officers.

Bulman moved to retain Erik Braun for Chairman, Quasney seconded and Planning Commission unanimously carried.

Herr nominated Rachel Caesar for Vice Chair, Vince second and Planning Commission unanimously carried.

Caesar nominated Karen Bulman for Secretary, Vidal seconded and Planning Commission unanimously carried.

In response to a question from Herr regarding the Short Term Rental Ordinance, Cushman stated that the initial draft of the Ordinance Amendment done in 2016 showed the volatility of the issue and as such staff has waited to allow the concentrated focus the Ordinance Amendment will require. Cushman noted staff is scheduled to meet on this item and hopes to have something to present by the end of the year.

There being no further business, Bulman moved, Golliher seconded and unanimously carried to adjourn the meeting at 8:43 a.m. (7 to 0 with Bulman, Caesar, Golliher, Herr, Huus, Quasney and Vidal voting yes and none voting no)