

Rapid City Planning Commission

Planned Development Overlay Project Report

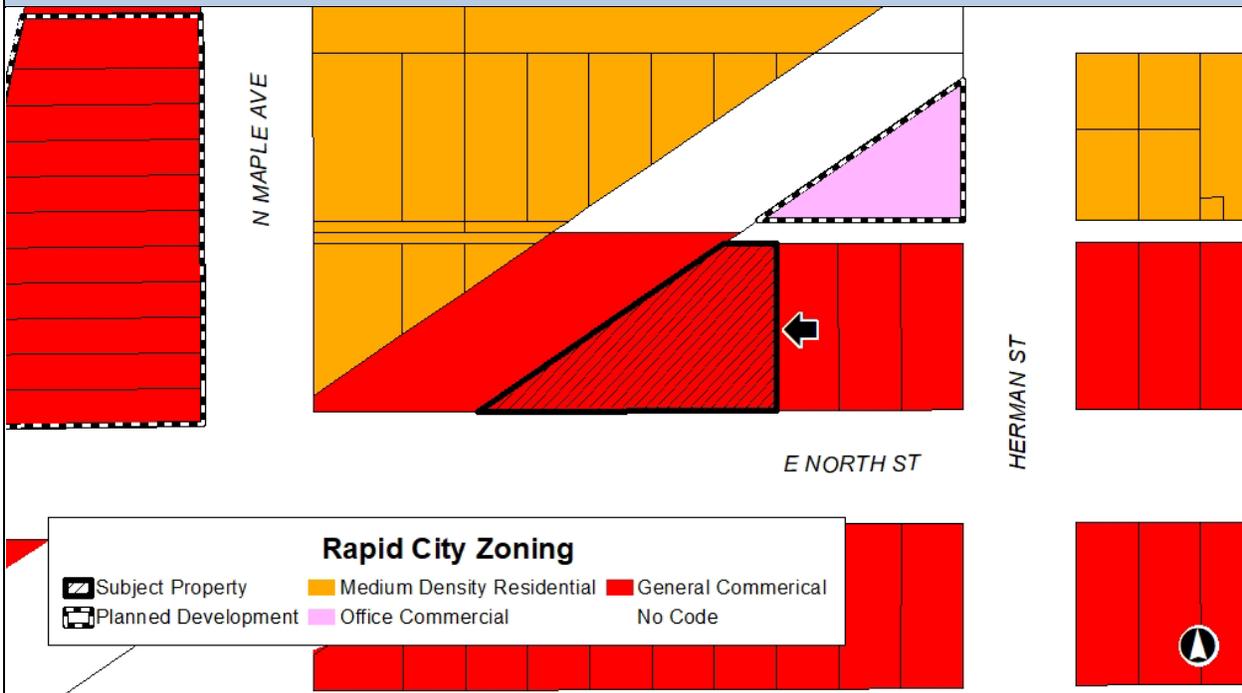
May 21, 2020

Item #5	
Applicant Request(s)	
Case #20PD017 – Final Planned Development Overlay to allow a Mission	
Companion Case(s) N/A	
Development Review Team Recommendation(s)	
Staff recommends denial of the Final Planned Development Overlay to allow a mission.	
Project Summary Brief	
<p>The applicant has submitted a Final Planned Development Overlay to allow a mission within the existing commercial structure located at 112 E. North Street. The mission will include offering meals to homeless members of our community along with educational classes and support group activities. The applicant’s letter of intent identifies that 100 evening meals and 200 meals for Sunday breakfast are anticipated to be served. A maximum of 100 guests and 14 volunteers will be on the property at any one time. The mission will be developed in three phases as follows:</p> <p>Phase One: A hot breakfast will be served Sunday starting at 7:00 a.m. in “to go” bags. A daily evening meal will be served at 5:30 p.m. again utilizing “to go” bags. No guests will be allowed in the building due to Covid-19 constraints. The applicant’s site plan identifies that the open space outside the building may accommodate 40 guests to remain on the property to eat the meal(s). Volunteers will monitor the property to ensure social distancing is being met.</p> <p>Phase Two: Once Covid-19 constraints are modified, in-door dining will be provided with a maximum capacity of 100 guests in the building at one time. The outdoor eating areas will not be used. A commercial kitchen will be constructed to provide hot meals. The facility will be open 7:00 a.m. to 8:00 p.m. Saturday, Sunday and holidays and 4:00 p.m. to 8:00 p.m. on weekdays. Support groups and educational classes will be available after meals are served. Guests will not be allowed to linger on the property after meals are served unless scheduled to attend one of these events.</p> <p>Phase Three: Future services may be provided as the needs of the City, police and guests warrant. This may include additional training, social services and overnight lodging for the guests.</p> <p>The City recognizes and appreciates the services that RV Ministries are proposing to provide to a segment of our community that is in need of help. During the review of this request, several reviewing agencies have noted concerns with allowing a mission at this location due to unsafe conditions specific to this location. Unfortunately, sufficient mitigation measures cannot be implemented at this site to ensure the safety of the recipients of the proposed services. As a community, we must ensure that their safety is considered when approving a location that will provide services encouraging their attendance. This report identifies the safety concerns and the constraints with mitigating the issues.</p>	
Applicant Information	Development Review Team Contacts
Applicant: Catherine Harris	Planner: John Green
Property Owner: James 2, LLC	Engineer: Roger Olsen
Architect: N/A	Fire District: Tim Behlings
Engineer: Hermanson Egge Engineering, Inc.	School District: Kumar Veluswamy
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett
Subject Property Information	
Address/Location	112 East North Street
Neighborhood	North Rapid Neighborhood Area
Subdivision	Schnasse Addition
Land Area	0.33 acres or 14,375 square feet
Existing Buildings	5,600 square-foot commercial structure
Topography	Relatively level
Access	East North Street
Water / Sewer	Rapid City
Electric/Gas Provider	Black Hills power/MDU
Floodplain	N/A

Subject Property and Adjacent Property Designations

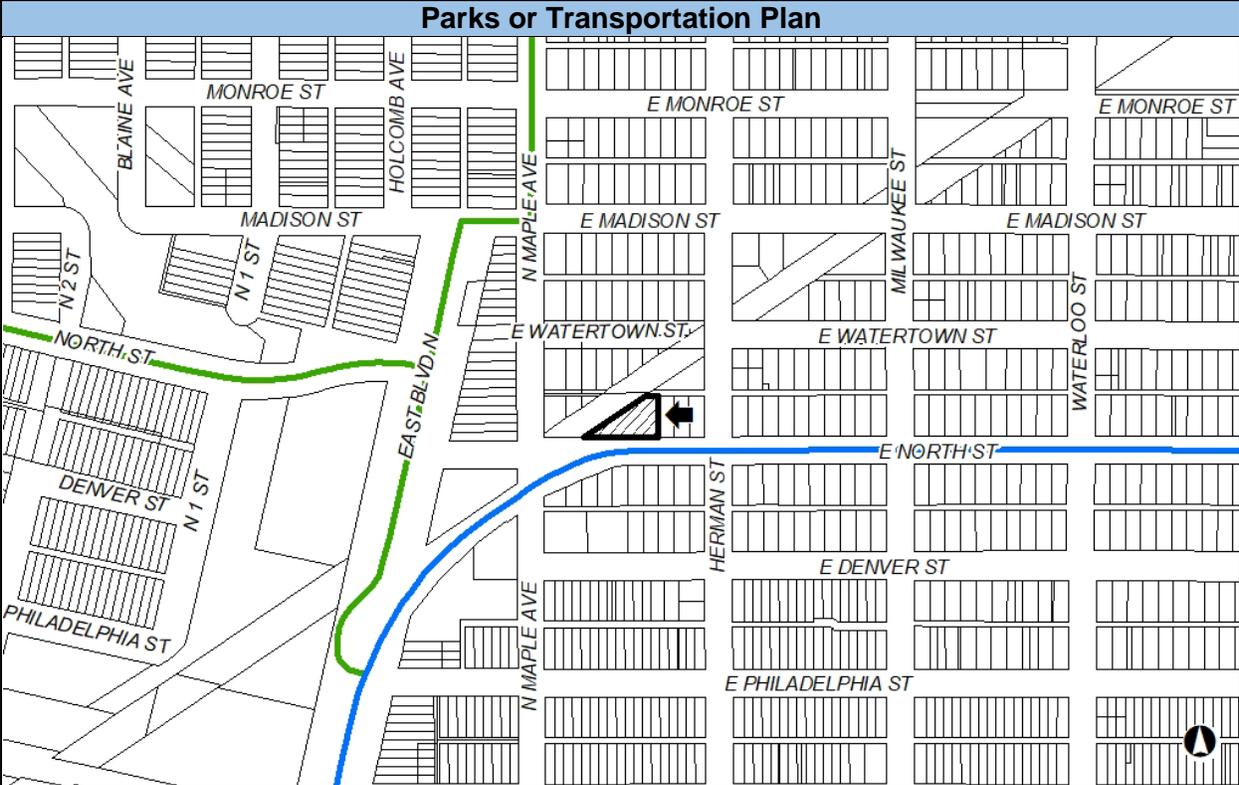
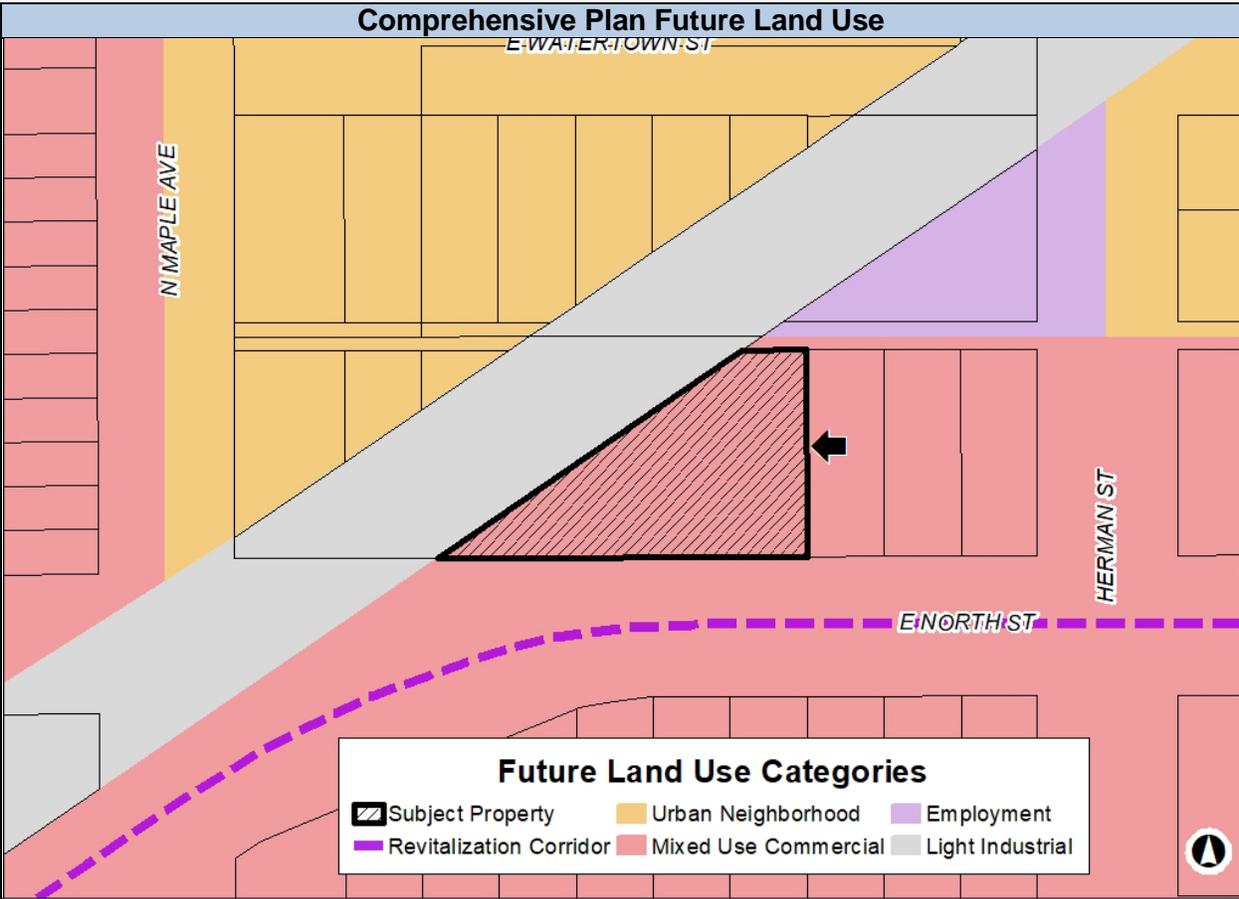
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	GC	MUC	Proposed Mission
Adjacent North	OC-PD	EC	Single-family dwelling
Adjacent South	GC	MUC	Laundromat
Adjacent East	GC	MUC	Domino's Pizza
Adjacent West	GC	LI	Railroad right-of-way

Zoning Map



Existing Land Uses





Relevant Case History		
Case/File#	N/A	
Relevant Zoning District Regulations		
General Commercial District	Required	Proposed
Lot Area	N/A	0.33 acres or 14,375 square feet
Lot Width	N/A	Approximately 208 feet
Maximum Building Heights	4 stories or 45 feet	1 story
Maximum Density	75%	38.9%
Minimum Building Setback:		
• Front	25 feet	22 feet (Legal non-conforming)
• Rear	0 feet	11.9 feet
• Side	0 feet	2.75 feet / 11.27 feet
• Street Side	25 feet	N/A
Minimum Landscape Requirements:		
• # of landscape points	8,775 points	N/A – Less than a 20% Expansion of structure
• # of landscape islands	N/A	N/A
Minimum Parking Requirements:		
• # of parking spaces	16 spaces	Requesting an Exception to allow 5 spaces in lieu of 16 spaces required
• # of ADA spaces	1 ADA “Van Accessible”	1 ADA “Van Accessible”
Signage	As per RCMC 17.50.100	Two existing billboard signs. No additional signage proposed
Fencing	As per RCMC 17.50.340	None proposed

Planning Commission Criteria and Findings for Approval or Denial	
<p>Pursuant to Chapter 17.54.030(E) of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a Conditional Use Permit:</p>	
<p>1. The location, character and natural features of the property:</p>	<p>The property consists of 0.33 acres and is relatively level. A 5,600-square foot commercial building and two billboard signs are currently located on the property. A hard surface area exists for on-site parking. Rapid City Pierre Eastern (RCPE) railroad is located directly adjacent to the west lot line of the property. E. North Street, a principal arterial street as per the City’s Major Street Plan, is located along the south lot line and provides access to the property. Domino’s Pizza is located directly east of the property. A residential use exists north of the property separated by a gravel alley. Additional residential development exists on the north side of the RCPE railroad right-of-way.</p> <p>RCPE Railroad: The railroad operates daily freight traffic along the railway that abuts the property. Representatives of the railroad have indicated their concern over the proposed use due to the number of past pedestrian involved incidents with the railroad in the area of the City and the potential level of intoxication of some of the individuals served by the mission. City staff suggested</p>

	<p>requiring a fence along the west lot line of the property to discourage pedestrians from using the railroad right-of-way as access to the property. However, the railroad does not support construction of a barrier between the tracks and the property due to the chance of vandalism, ineffectiveness in increasing pedestrian safety, and the potential for the barrier to impede visibility of pedestrians within close proximity to the rails. In particular, they noted that fences are historically vandalized creating access points.</p> <p>E. North Street: The principal arterial street has a traffic volume of 16,000 vehicles per day in the segment of road adjacent to the subject property with a posted speed limit of 35 m.p.h. In addition, a curbside sidewalk directly adjacent to the paved street surface is constructed along the north side of the street. Due to the impaired nature of some of the guests and that many guests will walk to the property, pedestrian safety must be considered. Transportation planning staff has indicated that due to the high volume of vehicular traffic along E. North Street and the horizontal and vertical curvature of the roadway in this location, a signalized or un-signalized pedestrian crossing is not recommended for this location. For these same reasons, lowering the speed limit is not possible. Additionally, the City Traffic Engineer has indicated that any attempt to create a signalized pedestrian crosswalk to serve the facility would be unfeasible due to the limited visibility of pedestrians to on-coming traffic as vehicles approach the subject property from the southwest. A signalized pedestrian cross walk for the facility would require that the flashing “caution lights” to alert vehicles to pedestrian crossings be placed several hundred feet away from the subject property in order to meet visibility requirements, negating the benefit of the signalized crosswalk. The Rapid City Police Department also shared concerns over pedestrian safety due to the proximity of E. North Street and the railroad tracks. Their experience with these types of services confirms that many of the individuals served may be struggling with intoxication who may be at higher risk of stumbling or falling due to the impairment.</p> <p>Due to the current design of E. North Street and the topographic constraints at this specific location, a solution to ensure safe pedestrian access to the property cannot be provided. The specific location of the proposed mission and the character and natural features of the adjacent properties do not support allowing a mission to be operated on the subject property.</p>
<p>2. The location, character and design of adjacent buildings:</p>	<p>The subject property is located in an existing commercial corridor and is adjacent to residential uses to the north with additional residential development located within 200 feet of the property. Other similar types of uses in the City are located with additional separation and buffering from residential neighborhoods. The Cornerstone Rescue Mission is located over 900 feet from the closest residential</p>

	district, while the Hope Center is located in the Central Business District, adjacent to commercial and public uses.
3. Proposed fencing, screening and landscaping:	The applicant's site plan does not identify the addition of any landscaping or screening elements with the proposed development. Additionally, the RCPE Railroad has indicated that they oppose the addition of a physical barrier between the subject property and the tracks due to the potential increase in vandalism of the barrier and the impact on visibility of pedestrians near the railway that could increase safety concerns.
4. Proposed vegetation, topography and natural drainage:	The applicant has not proposed any additional grading, landscaping, or vegetation on the property.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:	<p>Vehicular Access: An approach along E. North Street serves as access to the property. A gravel alley is located along the north lot line but requires crossing the RCPE Railroad right-of-way to access the parking area located in the western portion of the lot.</p> <p>Pedestrian Access: There is a multitude of safety issues concerning the pedestrian access to the property as noted above which may result in individuals utilizing alternate methods of access to the property, including crossing the railroad property or from adjacent commercial parking lots. Representatives from the railroad have indicated that past incidents in the area have resulted from the homeless population walking, camping, or sleeping within the railroad right-of-way and there is concern that the proposed use may encourage these individuals to utilize the railway to reach the proposed mission.</p> <p>Parking: Based on the applicant's operational plan, a minimum of 16 off-street parking spaces with one space being ADA "van" accessible are required. The calculation is based on the applicant's operational plan identifying that a maximum number of 14 volunteers are anticipated to be on the property at any one time and that two spaces are needed for guests. Due to the physical constraints of the property, the applicant is requesting an Exception to allow 5 off-street parking spaces with one space being ADA "van" accessible. As justification for the Exception, the applicant has indicated that the volunteers will carpool to the site requiring three parking spaces, leaving two parking spaces for guest parking. In addition, the site plan identifies a drop-off area for guests to use if they are picking up their meals and leaving the property. Staff has noted concern that the requested Exception may create a parking shortage on the property if the carpooling initiative is not strictly adhered to resulting in parking outside of the designated parking spaces. These alternate parking spaces may result in vehicles backing into the E. North Street right-of-way or utilizing a driveway located on RCPE right-of-way that extends west from the terminus of the alley along the north lot line.</p>
6. Existing traffic and traffic to be generated by the proposed use:	The proposed use is not anticipated to generate a significant increase in vehicular traffic in the area. However, the proposed use will generate a significant increase in pedestrian use in the neighborhood, creating a

	safety hazard due to the high volume and speed of traffic on E. North Street.
7. Proposed signs and lighting:	The applicant has not identified any new signs or lighting are being proposed on the property with this application.
8. The availability of public utilities and services:	The property is served by Rapid City water and sewer.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:	E. North Street is identified as a Revitalization Corridor in the City's adopted Comprehensive Plan. Pursuant to Page 18 of the Comprehensive Plan, Revitalization Corridors should be targeted for mixed-use retail, office, and residential redevelopment. Additionally, concern should be given to pedestrian and bike access for redevelopment projects. The proposed use is not representative of a mixed-use retail development and exacerbates existing issues regarding bike, pedestrian, and vehicular access along East North Street. As such, the proposed use does not comply with the goals of the Comprehensive Plan.
10. The overall density, yard, height and other requirements of the zone in which it is located:	With the exception of parking, the property meets all area requirements of the underlying zoning district.
11. The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through the use of clarifiers, screening, setbacks and orientation:	The applicant has not proposed any clarifiers, screening, or orientation adjustments to address the effects of noise, odor, smoke, dust, air, and water pollution. It is not anticipated that the proposed use will exacerbate existing conditions if operated in accordance with the applicant's submitted operational plan.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:	Two noticeable concerns create unsafe conditions for the guests at this location. Specifically, these include pedestrian access and the dangers associated with allowing the use adjacent to the RCPE Railroad right-of-way. The reviewing agencies considered several options to mitigate the concerns, which included constructing a pedestrian crosswalk, relocating the sidewalk along the north side of E. North Street to provide a boulevard between the sidewalk and the driving surface of the street, lowering the speed limit within this area of E. North Street and constructing a fence between the subject property and the railroad right-of-way. However, RCPE Railroad representatives noted that fences are historically vandalized creating access point(s) and noted that a fence may impede visibility of pedestrians within close proximity to the rails. In addition, due to the high volume of vehicular traffic along E. North Street, the horizontal and vertical curvature of the roadway in this location and the topographic constraints directly north of the street, the proposed mitigation to E. North Street cannot be implemented.

Planning Commission Criteria and Findings for Approval or Denial

Pursuant to Section 17.50.050(F)5 of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a Final Planned Development Overlay:

Criteria	Findings
1. There are certain conditions pertaining to the particular piece of property in question because of its size, shape, or topography:	As noted above, the property consists of 0.33 acres and is relatively level. A 5,600-square foot commercial building and two billboard signs are currently located on the property. The design of E. North Street, the close proximity of the property to the RCPE Railroad right-of-way create unsafe conditions to allow a mission to be operated on the

	property.
2. The application of these regulations to this particular piece of property would create a practical difficulty or undue hardship:	A mission is identified as conditional use and not a permitted use within the General Commercial District since the use is not appropriate on all properties within the district. Other similar uses in the City, such as the Cornerstone Rescue Mission and the Hope Center, operate in similar commercial districts. However, those properties do not face the same constraints regarding pedestrian access and safety, high traffic volume and speed, and proximity to an active railway that the subject property faces. While the services rendered by the proposed mission are well intended, the application of those services on the subject property could endanger an already at-risk population due to the physical constraints of the property and its existing access.
3. Exceptions to the underlying zoning district, if granted, would not cause undue hardship to the public good or impair the purposes and intent of these regulations:	Granting an Exception to reduce the parking requirement from 16 spaces with one space being ADA “van” accessible to 5 spaces with one space being ADA “van” accessible may create an undue hardship if the proposed carpool requirement for the volunteers is not strictly adhered.
4. A literal interpretation of this chapter would deprive the applicant of rights that others in the same district are allowed:	Even though there are safety concerns associated with operating a mission at this location, there are several permitted uses within the General Commercial District that would be appropriate at this location. As such, a literal interpretation of the Ordinance would not deprive the applicant of rights that others in the same district are allowed.
5. Any adverse impacts will be reasonably mitigated:	The current design of pedestrian access to the property and the dangers associated with allowing the use adjacent to the RCPE Railroad right-of-way creates an adverse impact for the guests of the proposed mission at this location. As noted above, the current street design and topographic constraints eliminate the ability to reasonably mitigate these impacts.
6. The requested exception to the underlying zoning district standards is an alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified:	Requiring the volunteers to carpool to the property to support reducing the parking requirement as proposed is an alternative and innovative proposal. However, if the volunteers do not strictly adhere to the requirement or more than two parking spaces are needed for guest parking, the parking shortage may create unsafe conditions on the property or result in parking on other properties or within street right-of-way. Fire sprinkler protection does not currently exist in the structure located on the property. The Rapid City Fire Department has stated that since the structure is serving food and exceeds the square footage threshold required, fire sprinkler protection must be installed in the structure to operate in compliance with fire code. The applicant should be aware that the structure is currently operating out of compliance with the fire code and must install a fire sprinkler protection system to continue operation.

Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial

In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters

	A Balanced Pattern of Growth
BPG-1.2C	Priority Revitalization Corridors: The subject property is located adjacent to East North Street, an identified Revitalization Corridor in the City’s Comprehensive Plan. Pursuant to the objectives for Revitalization Corridors outlined in the Comprehensive Plan, mixed use retail, office, and residential uses should be prioritized in redevelopment efforts within the neighborhood. The proposed use does not comply with the goals and objectives for revitalization as outlined in the Comprehensive Plan.
	A Vibrant, Livable Community
LC-3.2C	Pedestrian and Bicycle Linkages: The proposed use does not prioritize pedestrian safety and access through the neighborhood and may create a safety hazard for the individuals seeking services from the mission.
	A Safe, Healthy, Inclusive, and Skilled Community
	N/A
	Efficient Transportation and Infrastructure Systems
T1-2.1A	Major Street Plan Integration: The property is accessed via East North Street, which is classified as a Principal Arterial Street on the City’s Major Street Plan.
	Economic Stability and Growth
	N/A
	Outstanding Recreational and Cultural Opportunities
	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	Public Input Opportunities: The proposed Final Planned Development Overlay requires that public notice be advertised in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Final Planned Development Overlay is before the Planning Commission for review and approval. The public has an opportunity to provide input at this meeting.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	Mixed Use Commercial
Design Standards:	
GDP-MU4	Pedestrian Access and Orientation: The subject property does not improve pedestrian access or safety in the neighborhood and will exacerbate existing safety issues for pedestrians in the neighborhood.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood:	North Rapid Neighborhood Area
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Neighborhood Goal/Policy:	
NR-NA1.1A	Reinvestment Areas: The proposed use does not represent adaptive reuse or targeted commercial redevelopment along an identified Revitalization Corridor in the neighborhood.

Findings

Staff has reviewed the Final Planned Development Overlay to allow a mission pursuant to Chapter 17.50.050(F)5 and Chapter 17.54.030(E) of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. Providing meals, training and social services to our homeless community is an admirable goal and fully supported by the City. In addition, locating a mission in the northern portion of our community will fill a void for these type of services within this area. However, a mission is identified as a “conditional use” within the General Commercial District since not all properties within this district are appropriate for the use. As previously noted, there are two major concerns that create unsafe conditions for a mission at this location. These specifically include pedestrian access to the property and the dangers associated with allowing the use adjacent to the RCPE Railroad right-of-way. The reviewing agencies considered several options to mitigate the concerns, which included:

- Constructing a fence between the subject property and the RCPE Railroad right-of-way
- Constructing a pedestrian crosswalk
- Relocating the sidewalk along the north side of E. North Street to provide a boulevard between the sidewalk and the driving surface of the street
- Lowering the speed limit within this area of E. North Street

RCPE Railroad representatives noted that fences are historically vandalized creating access point(s) and voiced concern that a fence may impede visibility of pedestrians within close proximity to the rails. In addition, due to the high volume of vehicular traffic along E. North Street, the horizontal and vertical curvature of the roadway in this location and the topographic constraints directly north of the street, the proposed mitigation of E. North Street cannot be implemented. It is also important to note that E. North Street is identified as a Revitalization Corridor in the City’s adopted Comprehensive Plan. The Plan states that this corridor should be targeted for mixed-use retail, office, and residential redevelopment. Additionally, concern should be given to pedestrian and bike access for redevelopment projects. The proposed use is not representative of a mixed-use retail development and exacerbates existing issues regarding bike, pedestrian, and vehicular access along E. North Street. As such, the proposed use does not comply with the goals of the Comprehensive Plan. Based on the findings noted in this Project Report, staff recommends that the Final Planned Development to allow a mission on the subject property be denied.

Please note that staff met with the applicant several weeks ago to discuss their proposed operational plan and put the applicant on notice that a Conditional Use Permit must be obtained prior to initiation of the use. After that meeting, the ownership of the property changed and the use of the property offering meals to the homeless was initiated. Staff subsequently contacted the applicant to remind them of the process and applications that must be approved to allow the use of the property. The applicant should be aware that if the Final Planned Development Overlay application is not approved, the current use of the property must cease.

Recommendation

Staff recommends denial of the Final Planned Development Overlay to allow a mission.
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