

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
May 21, 2020

MEMBERS PRESENT: Erik Braun, Karen Bulman, Racheal Caesar, Mike Gollither, Eric Ottenbacher, Mike Quasney, and Vince Vidal.

MEMBERS ABSENT: Kelly Arguello, Eirik Heikes, John Herr, Galen Hoogestraat. John Roberts, Council Liaison was also absent.

STAFF PRESENT: Ken Young, Vicki Fisher, Fletcher Lacock, John Green, Tim Behlings, Ted Johnson, Steve Frooman, Wade Nyberg and Andrea Wolff.

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

Braun 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.

Ottenbacher requested that Items 3 be removed from the Consent Agenda for separate consideration.

Motion by Caesar seconded by Gollither and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 4 in accordance with the staff recommendations with the exception of Items 3. (7 to 0 with Braun, Bulman, Caesar, Gollither, Ottenbacher, Quasney and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the May 7, 2020 Planning Commission Meeting Minutes.
2. No. 20RZ029 - Original Town of Rapid City
A request by City of Rapid City to consider an application for a **Rezoning request from Office Commercial District to High Density Residential District** for Lots 29 thru 32 of Block 123 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 706 South Street.

Planning Commission recommended approval of the Rezoning request from Office Commercial District to High Density Residential District.

4. No. 20PL027 - Big Sky Business Park
A request by KTM Design Solutions, Inc for Dakota Heartland, Inc. to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 5 thru 7 of Block 5, Lots 1 and 2 of Block 6 of Big Sky Business Park, legally described as the S1/2 of Government Lot 3 Less Big Sky Subdivision, Less Big Sky Business Park and Less right-of-way; the S1/2 of Government Lot 4 Less Big Sky Business Park, Less Lot H1, H2 and right-of-way, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located

north of the intersection of Degeest Drive and Berniece Street.

Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulation:

- 1. Upon submittal of a Final Plat application, documentation securing maintenance and ownership of all proposed drainage elements and Major Drainage Easement(s) shall be submitted for recording.**

---END OF CONSENT CALENDAR---

*3. No. 20UR008 - Harter Subdivision

A request by Longbranch Civil Engineering, Inc for William C and Jill K Blickensderfer to consider an application for a **Conditional Use Permit to allow an oversized garage** for all of Lot B of Lot 3 and 4 of Harter Subdivision, located in Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2404 Canyon Lake Drive.

In response to a question from Ottenbacher whether the setback of 17.8 in lieu of the required 20 feet for street side setback of the garage would require a Variance, Lacock stated it was an existing condition therefore did not require a Variance. Fisher reviewed what would require a Variance confirming this instance did not require one.

Golliher moved, Vidal seconded and the Planning Commission approved the Conditional Use Permit to allow an over-sized garage with the following stipulation:

- 1. An Exception is hereby granted to allow an over-sized garage 1824 square feet in size, in lieu of the maximum allowed 1,500 square feet;**
- 2. Prior to submittal of a Building Permit, the site plan shall be revised to show property line sidewalk along Harter Drive or a Variance shall be obtained from the City Council;**
- 3. Upon submittal of a Building Permit, the water and sewer services to 725 Harter Street shall be abandoned;**
- 4. All outdoor lighting shall continually be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;**
- 5. The proposed over-sized garage shall be constructed with the same character as shown on the applicant's submitted elevations. Any changes to the character of the garage shall require a Major Amendment to the Conditional Use Permit; and,**
- 6. The Conditional Use Permit shall allow for an over-sized garage on the property. The garage shall not be used for commercial purposes or as a second residence. In addition, the structure shall not be used as a rental unit. Any change in use that is a permitted use in the Medium Density Residential District shall require a Building Permit. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Conditional Use Permit. (7 to 0 with Braun, Bulman, Caesar, Golliher, Ottenbacher, Quasney and Vidal voting yes and none voting no)**

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.

---BEGINNING OF REGULAR AGENDA ITEMS---

*5. No. 20PD017 - Schnasse Addition

A request by Catherine B. Harris to consider an application for a **Final Planned Development Overlay to allow a mission in the General Commercial District** for Tract A of Lots 13 thru 17 of Block 6 of Schnasse Addition, located in Section 31, T2N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 112 East North Street.

Green presented the application briefly reviewing initial discussions with the applicant explaining that the services being proposed by the applicant are defined as a mission which is a conditional use in the Commercial District, which is why the Final Planned Development Overlay is before the Planning Commission for review and approval. Green stated that staff acknowledges the need for these services in the community; however in reviewing the application staff identified numerous issues with pedestrian safety and access to the site. Green noted the applicant is identifying a three phase plan with Phase One serving up to 40 guests at a time outside the building, allowing for social distancing during the pandemic; Phase Two, once the pandemic restrictions are lifted, proposes to offer meals to up to 100 guests at one time with possibly 200 guest at a meal seated separately inside the building. Green noted that the applicant is requesting an Exception to reduce the required parking spaces from 16 parking spaces to 5 off street parking spaces, as the applicant anticipates that number will accommodate parking for volunteers and that they will encourage carpooling. Green noted that the alleyway to the north of the property backs up to the railroad right-of-way and cannot be used for circulation or parking. Green explained that although staff supports the idea of carpooling, if it not strictly followed, it could lead to overcrowded parking and potential issues with backing into the East North right-of-way. Green further explained that Phase Two would include some educational and outreach classes, Phase Three would include expanding on those classes with potential to allow overnight lodging. Green stated that staff has concerns with this property including it being very narrow and lays between the heavy traffic on East North Street with the existing curbside sidewalk directly along East North Street, the close proximity to the railroad right-of-way to the back and the steep terrain, noting the potential that some of the clients could be dealing with intoxication creating an additional hazard.

Green reviewed that East North Street has a count of 16,000 cars a day with a posted speed-limit of 35 mile per hour with knowledge that speeding is an issue in this area; in addition Green noted the curbside sidewalk with no separation between the high speed road and pedestrians that would be accessing the facility. Green said that staff does not believe that suggested options which included moving the sidewalk, reducing the speed on East North Street or signalized crosswalk to mitigate these issues are viable. Green further noted that with the

railroad actively running so closely behind the property, the railroad authority has strongly advised against the use. Green referred to the steep topography from the property to the railroad tracks creates an additional concern for the safety of the clients to the proposed mission. Existing pathways are visible and it is staff's concern that these paths will become more widely used. The proposal of a barrier or fencing between the property and the railroad tracks was not supported sighting previous instance of vandalism to other such fences and the possibility of visual issues fences could create for both pedestrians using the paths and train engineers operating the trains.

Green also noted that the proximity of residential properties is also an unfavorable aspect of the location. Finally, Green indicated that as East North Street runs past the location to the southwest, the curvature and drop in topography as the road rounds the corner and proceeds down the hill at a speed of 35 miles per hour creates a visual hazard for both vehicle and pedestrian traffic. Green stated that based on this review and findings, staff recommends that the Final Planned Development Overlay to allow a mission in the General Commercial District application be denied. Green stated that the traffic engineer and a representative from the Railway Authority were present to answer any question.

Rod Wisemen, General Manager of Rapid City Perenies Railroad, stated that a number of the concerns were addressed in the staff presentation. Wisemen said one of his main concerns is the potential for the railroad tracks with its design and proximity to the facility to become a pedestrian path to the proposed mission. Wiseman spoke to the risk the potential increase in pedestrian usage of these tracks and the area around them creates for the engineers who have to live with the effects of hitting and possibly killing a person on the tracks, which he stated has happened twice this year along this leg of the railroad tracks. Wisemen said that over his years with the railroad he has seen the use of the train tracks as pedestrian walkways and cannot support a use that could viably increase such potential use of these tracks. Wisemen noted that the applicant had approached them for access to the easement in the back alley, but stated that access will not be granted, and that fences have proven to be ineffectual and the railroad does not feel this is a viable location

In response to a question from Ottenbacher regarding the speed, length of and stopping distance of the trains that run through this area, Wisemen stated that the speed is 10 miles an hour with 4 thousand tons of train and that stopping time would be a ¼ mile in good weather which would be at least a minute.

Holly Soper, President of RV Ministry, stated that she understood the concerns but that they would never want to harm their clients, that they have a relationship with them and they only want to help them. Soper stated that the previous Sunday she had counted 130 persons at their breakfast and that they had counted 15 jay walkers and approximately 180 cars over the morning. She spoke to how they are trying to educate their clients to use the appropriate cross walks, such as the cross walk down on New York Street and to avoid the access around back to the railroad tracks. She pointed out that these paths are existing and were not created by clients to the mission. Soper stated that although some of their clients may be intoxicated not all of them are and that there are enough volunteers that they would monitor clients accessing the property. Soper noted that they have gotten 18

persons off of the street and that is with a zero budget. Soper spoke to the fact that jaywalkers and heavy foot traffic are a reality of East North Street, not just for their location. She spoke to the need for the mission with so many other facilities being closed and spoke to the additional services that they offer to their clients and asks that the Commission understand their relationships with their clients and approve their request. Soper stated that the requirement for sprinkler system will not be needed as they will not be a commercial kitchen, just a regular kitchen like you would have in a private home.

Eileen Desmond, RV ministry, stated that she believed the location is good as it goes to the people in need. Desmond said they want to work on the issues noted, including loitering by holding classes and programs so that people are not just waiting around for their next meal. Additionally, they propose cleaning up the litter on East North by clients who will be working and being productive rather than waiting around. Desmond stated they would be willing to do a 6-month trial period with just Sunday breakfast with a reevaluation after that time.

Shane Delbridge, Egge Engineering, stated that he assisted with the design and is available for any questions.

John Brue, Kahler-Williams Real Estate; said he helped RV Ministry to locate this property stating that the key significance of this location is that it places the service within the area where the service is needed. He stated that existing properties of this size of this affordability in the area that are limited making choosing another location difficult.

Green clarified that the requirement of fire sprinkler protection would still be required as it is based on the size of the building and the use of any kind of kitchen in a building of this size a stipulation required by the Fire Department.

In response to a question from Vidal on the previous use of the building, Brue stated it was the distribution center of a plating company for years, followed by short term use as a construction company, but has sat empty for approximately the last six months. Vidal stated that the paths to the railroad tracks are existing and not an issue created by the proposed ministry and asked for additional information from the Police Department representative.

Officer Don Henrick, Assistance Police Chief for the Rapid City Police Department, echoed the need for services for our homeless and others in need, but noted that they had identified their concerns with the location including the sloping access and the traffic during their meeting with RV Ministries. Henrick said he understands that RV Ministry plans to take mitigating steps to encourage safe paths and access to the facility, but noted that his experience is that people will take the path of less resistance and that they are not comfortable with the location. He wished these discussions could have taken place prior to the purchase of the building.

In response to a question from Vidal regarding the possible use of crossing guards during the hours of business, Henrick stated that although it is possible, it might reduce some of the danger, the potential loss of a life or injury would negate all the good that RV Ministries is trying to do and he hopes that the Planning Commission

keep safety at the forefront when making their decision.

In response to a question from Quasney if there were any other locations that were possible, Fisher stated that staff does not make a practice of finding locations for applicants, but that there are options in the north Rapid area. Quasney stated that the he admires the Ministry and what they offer, but he believes there are too many concerns with this location.

Fisher clarified that staff is aware that the foot paths are existing and not the fault of the mission or it's clients, but does not believe that approving a use that will increase this use and thus endanger those using the paths and tracks is in the best welfare of the community. She also referred again to the location being directly adjacent to the 4-lane arterial road with a 35 mile hour speed zone, which is known to accommodate a higher speed in an area where the road curves to a downward angle creating another safety issue that staff does not feel can be mitigated. The proposed signalized pedestrian crosswalk would not eliminate the danger to pedestrians due to how it would have to be set up, along with the comment made by Soper that there are other examples of illegal crossing on E. North Street which further shows that East North Street is not a viable street for a mission. Fisher noted that there are other streets in the North Rapid area that would provide a better situation for a mission.

Bulman commended the RV Ministry for their services and thanked them for what they do. However, Bulman stated that she agrees with staff that the dangers and issues weight against this use. She spoke to heavy foot traffic all along East North Street and to the tight location of the parking lot creates an additional issue and although she'd like to see the RV Ministry open a fulltime mission, the location is not correct.

Ottenbacher spoke to how he has seen the increase in foot traffic not only around the other service locations downtown, but around the city noting that the disregard for crossing in crosswalks and intersections creates safety issues and approving this would lead to more foot traffic in an already dangerous area and he could not support the location.

Ottenbacher moved, Quasney seconded and the Planning Commission recommended denial of the Final Planned Development Overlay to allow a mission. (7 to 0 with Braun, Bulman, Caesar, Gollhofer, Ottenbacher, Quasney and Vidal voting yes and none voting no)

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.

*6. No. 20PD018 - Morgans Subdivision

A request by Dream Design International Inc for Sharaf 5 Properties, LLC to consider an application for an **Initial and Final Planned Development Overlay to allow a mixed use structure in the Urban Commercial District** for Lot 16 thru 24 of Block 1 and the east 50 feet of vacated East Boulevard right-of-way adjacent

to said Lot 16 of Morgans Subdivision, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast of the intersection of East Boulevard and E. Kansas City Street.

Lacock presented the application and reviewed the associated slides, Lacock noted that the applicant has over the last year rezoned the property from High Density Residential District to Urban Commercial District to accommodate the proposed use. Lacock noted that the applicant is proposing a four story mixed-use building with 10,672 square feet of commercial space on the first floor with 45 apartments located on the remaining three floors. Lacock noted that the applicant is requesting a number of Exceptions with the first Exception being to allow 45 percent of the East Boulevard frontage to consist of a parking lot in lieu of the maximum allowed 25%. Lacock stated that the idea of the Urban Commercial District is to remove empty space and that the applicant is proposing to install landscaping and a wall to provide screening to the parking lot and supports the request. The second Exception is to waive the requirement to provide a graduated setback for the fourth story, staff believes that this will have a minimal impact and recommends approval the request. The third Exception would be to increase the minimum required building face variation change from every 50 feet to every 57.5 feet. Lacock noted that as they are also providing the face variation on the north as well as the west side and that the difference from 50 to 57.5 is minimal, staff also supports this request. A fourth Exception to waive the requirement to provide 45% frontage consisting of windows on the East Boulevard building face. Lacock said that with there being two frontages, the designation of building face goes to the higher order street and with the location of this property, East Boulevard is the higher order street. However, the design and layout of the building has East Kansas City Street as the building face with the East Boulevard side being more of a side and as such staff supports this request. Lacock noted that there will be diagonal on-street parking with one of them being designated as ADA van accessible. Lacock stated that staff had received one call from a neighbor who voiced some concerns. Lacock stated that staff is recommending granting the requested Exceptions and approving the Initial and Final Planned Development Overlay to allow a mixed-use structure in the Urban Commercial District with stipulations.

In response to a question from Quasney on whether granting this Exception to the graduated setback is creating a precedence, Lacock stated that staff is seeing that trend. Lacock said that the idea behind the graduated setback requirement was created in anticipation of taller buildings, which staff has not seen. Lacock noted that this is one of the sections of the Urban Commercial District that is being reviewed.

Fisher discussed how during the design of the Urban Commercial District, the idea was to avoid a closed in feel with the taller buildings being located closer to the street, but as development has come in staff is seeing that the taller buildings, those over four or more stories are not being seen.

Quasney commented on the lack of windows on the west side to alleviate the boxy feel he gets from the elevations.

Kyle Treloar, Dream Design International, Inc., stated that he understand there

appears to be a large number of Exception but that they are in themselves the minimal adjustments to make this mixed-use building in the Urban Commercial District a reality. Treloar noted that they have met numerous time with staff to work through many issues and feels that the building that they have come up with is a great design. Treloar reviewed the actual structure and design noting that the stairs take up the majority of the west side of the building so windows are not a viable option. In response to Quasney's comment that he is looking more for design options to avoid the boxy feel, Treloar reviewed the landscaping and patio designed on that side, also noting there are architectural elements that break up the frontage.

Braun stated his agreement with Quasney's comment on the change in façade along the east side noting that the cost does not have to be high.

In response to Ottenbacher's comment on the ordinance's language on the change of material or depths on facades, Lacock stated that staff is looking to review this part of the Ordinance more closely.

Ottenbacher commented on the goal of the Urban Commercial District to create and use the pedestrian and bike aspects of the district that he believes the parking area could be reduced as the area is accessible to optional transportation uses. Lacock noted that the final Exception is to reduce the minimum required parking from 83 parking spaces to 80 parking spaces addressing the use of optional transportation and as such staff supports this request also. Lacock further noted that the applicant has provided interior bike parking, moved the parking lot to the less traveled street, added numerous windows, providing sidewalk planters, trees and outdoor use areas creating the desired feel intended by the Urban Commercial District.

Ottenacher stated that he is addressing some of the more confusing aspects of the Urban Commercial District just to identify that there appears to be issues with the requirements now that development is starting to be reviewed in this new district.

Caesar asked about right-of-way and street width requirements, noting that it might be something that should be included in review of the District language. Fisher agreed that staff has been identifying the areas of the Ordinance that need to be reviewed and possibly adjusted based on these first few projects that have been proposed in the new district. Fisher noted this is as expected with creating a new district and staff anticipates making these revisions.

Caesar stated that she believes that this is the type of development that is hoped for in this area east of Fifth Street. Caesar stated that this is a good example of how actual use of a new Ordinance Amendment creates need for review from draft to use.

Bulman spoke to the difference for the existing residents from single story residential structures to four story structures although attractive will create a drastic change. Bulman believes this height variance might be an item for review also.

Bulman moved, Caesar seconded and the Planning Commission recommended that the Initial and Final Planned Development Overlay to

allow a mixed-use structure in the Urban Commercial District be approved with the following stipulations:

1. An Exception is hereby granted to waive the requirement to provide 45% frontage consisting of windows on the East Boulevard building face;
2. An Exception is hereby granted to waive the requirement to provide a graduated setback for the fourth story;
3. An Exception is hereby granted to reduce the minimum required parking from 83 parking spaces to 80 parking spaces;
4. An Exception is hereby granted to increase the minimum required building face variation change from every 50 feet to every 57.5 feet;
5. An Exception is hereby granted to allow 45% of the East Boulevard frontage to consist of a parking lot in lieu of the maximum allowed 25%;
6. Prior to issuance of a Building Permit, the site plan shall be revised to show one ADA van accessible parking space located in the East Kansas City Street on-street parking;
7. All signage shall meet the requirements of the Rapid City Sign Code. Any proposed electronic or Light Emitting Diode (LED) signage shall require a Major Amendment to the Planned Development. A sign permit is required for any new signs; and,
8. This Initial and Final Planned Development Overlay shall allow a mixed-use building. Any change in use that is a permitted use in the Urban Commercial District shall require a Building Permit. Any change in use that is a Conditional Use in the Urban Commercial District shall require the review and approval of a Major Amendment to the Planned Development Overlay. (7 to 0 with Braun, Bulman, Caesar, Golliher, Ottenbacher, Quasney and Vidal voting yes and none voting no)

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Development by close of business on the seventh full calendar day following action by the Planning Commission.

7. Discussion Items

Behlings spoke to this being Home Sprinkler Week noting that Rapid City is a strong proponent of this home fire protection, speaking to the importance of sprinkling structures both residential and professional. Behlings thanked the Planning Commission and the City Council for supporting the Fire Department in supporting them in making this a vital concern.

8. Staff Items

None

9. Planning Commission Items

None

There being no further business Braun adjourn the meeting at 8:36 a.m.