



Rapid City Planning Commission

Conditional Use Permit Project Report

June 23, 2016

Item #2

Applicant Request(s)
Case # 16UR004 – Conditional Use Permit to allow a fence in the Flood Hazard District
Companion Case(s) # N/A

Development Review Team Recommendation(s)
The Development Review Team recommends that the Conditional Use Permit be approved with the stipulation(s) noted below

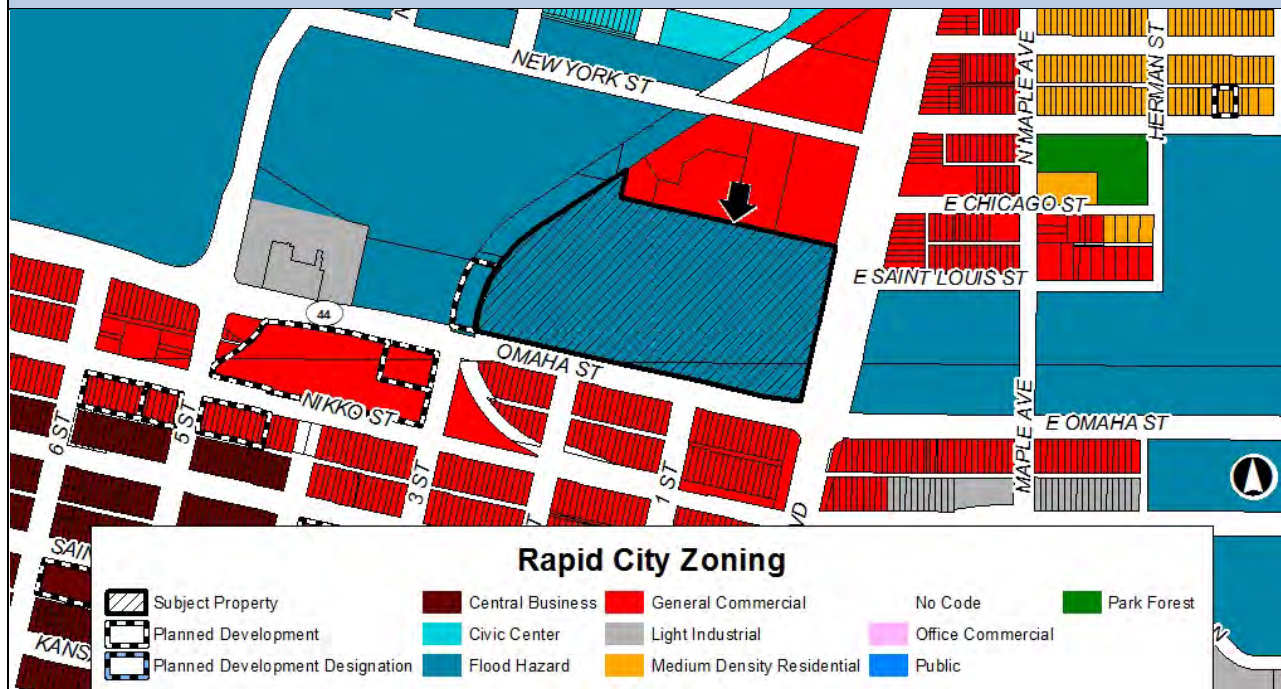
Project Summary Brief	
<p>The applicant has submitted a Conditional Use Permit to allow a fence in the Flood Hazard District. In particular, the applicant is proposing to construct a six foot high chain link fence around the “Prairie Market” parking lot located on land leased from the City which is zoned Flood Hazard District. The proposed fence extends from the east property line adjacent to East Boulevard North to the west around the leased parking lot area behind the “Prairie Market”. A Floodplain Development Permit was issued on March 7, 2016 for the proposed fence. The intent of the proposed fence is to limit unwanted foot traffic. The Rapid City Police Department has provided a Crime Prevention through Environmental Design (CPTED) Inspection report identifying the issues which the proposed fence will help alleviate as well as other issues that must be addressed.</p>	
Applicant Information	Development Review Team Contacts
Applicant: TKRS Properties, LLC	Planner: Fletcher Lacock
Property Owner: City of Rapid City	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: Nooney & Soley, LLP	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	240 Omaha Street
Neighborhood	North Rapid
Subdivision	Rapid City Greenway Tract
Land Area	19.85 acres
Existing Buildings	Void of structural development
Topography	Property slopes to the center towards Rapid Creek
Access	Bike path runs along Rapid Creek / Sidewalk is located along Omaha Street and East Boulevard / Parking lot is accessed from New York Street
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	Black Hills Power / MDU
Floodplain	Federally designated 100 year floodplain, 500 year floodplain, and Floodway located on portions of the property

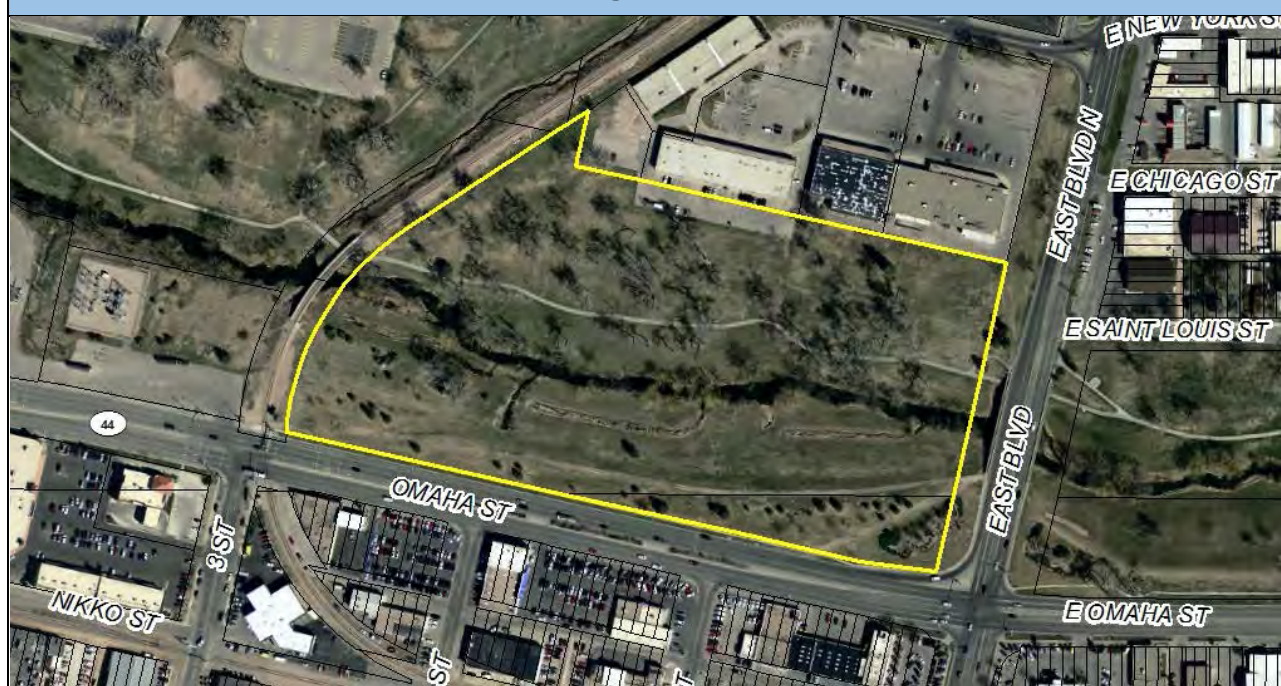
Subject Property and Adjacent Property Designations

	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	FH	PG	Rapid City Greenway Tract
Adjacent North	GC	MUC	"Prairie Market" / Time Square Plaza
Adjacent South	GC	DT	Commercial buildings
Adjacent East	FH	PG	Rapid City Greenway Tract
Adjacent West	FH	PG	Rapid City Greenway Tract

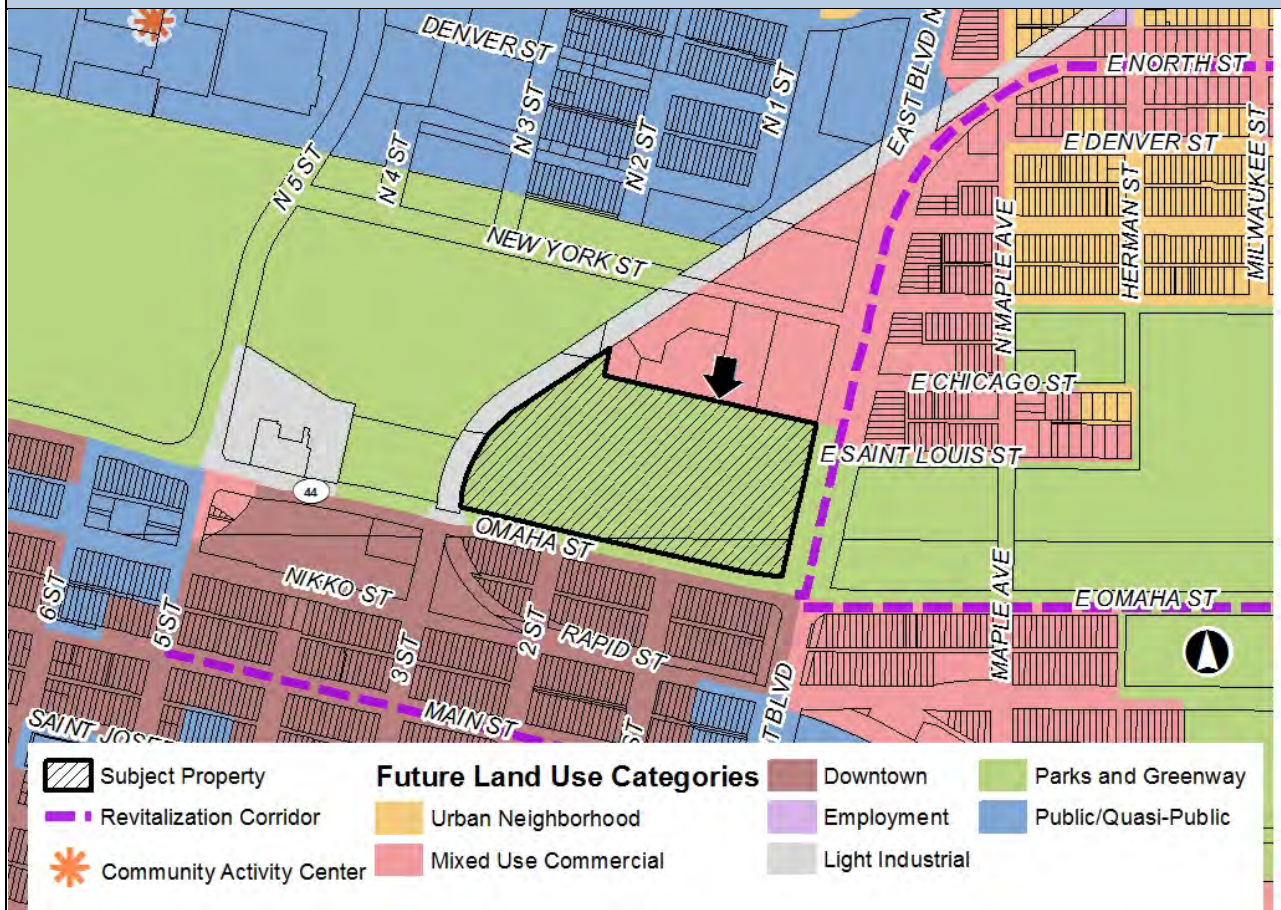
Zoning Map



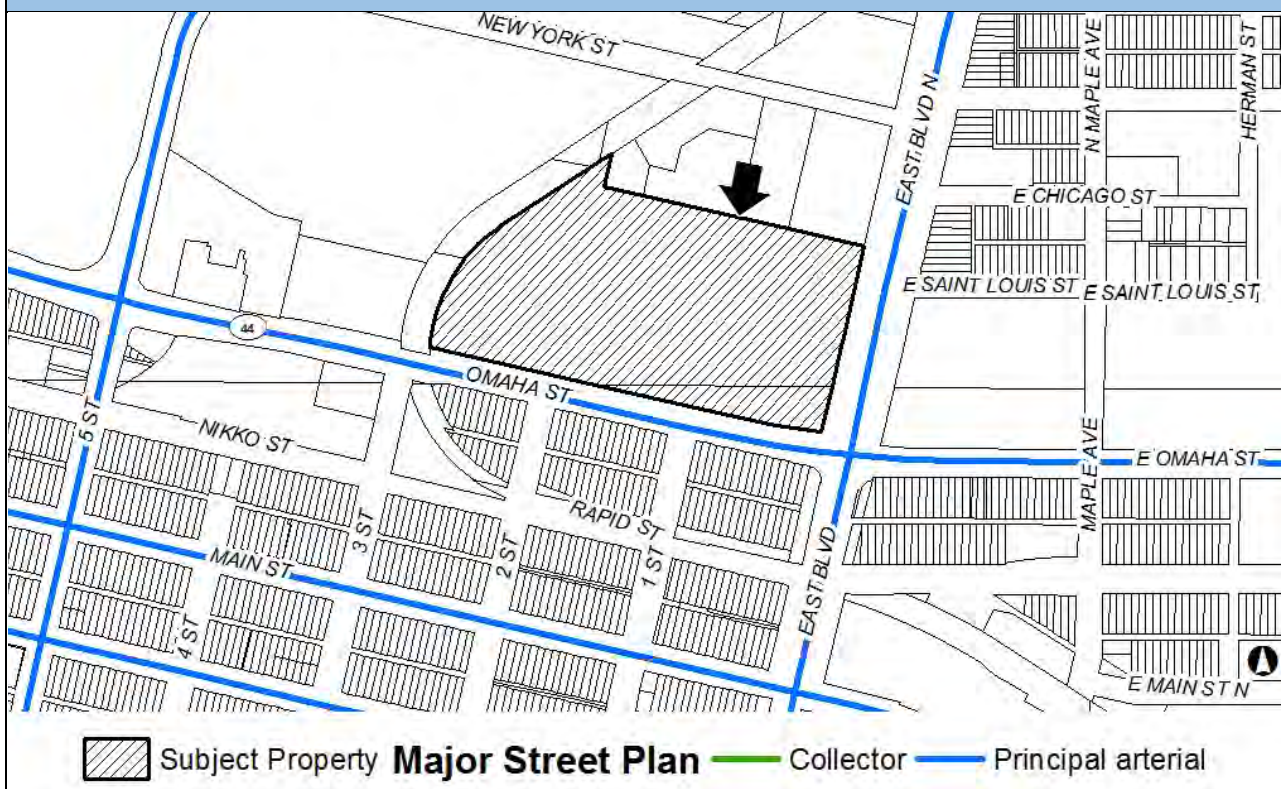
Existing Land Uses



Comprehensive Plan Future Land Use




Parks or Transportation Plan




Relevant Case History			
Case/File#	Date	Request	Action
N/A			
Relevant Zoning District Regulations			
Flood Hazard District	Required	Proposed	
Lot Area	N/A	19.85 acres	
Lot Frontage	N/A	Approximately 2,000 feet	
Maximum Building Heights	N/A	N/A	
Maximum Density	N/A	N/A	
Minimum Building Setback:			
• Front	N/A	N/A	
• Rear	N/A	N/A	
• Side	N/A	N/A	
• Street Side	N/A	N/A	
Minimum Landscape Requirements:			
• # of landscape points	N/A	N/A	
• # of landscape islands	N/A	N/A	
Minimum Parking Requirements:			
• # of parking spaces	N/A	35	
• # of ADA spaces	N/A	0	
Signage	As per Sign Code	N/A	
Fencing	6 feet	Proposed 6 foot chain link fence	

Planning Commission Criteria and Findings for Approval or Denial	
<p>Pursuant to Section 17.54.030(E) of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to allow a cellular communication tower</p>	
1. The location, character and natural features of the property:	The property is located at 240 Omaha Street. The property is the location of the Rapid City Greenway Tract. The bike path is located on the north side of Rapid Creek. The applicant has a lease agreement with the City of Rapid City for a parking lot located on the north side of the property. The lease has been expanded to include the proposed fence.
2. The location, character and design of adjacent buildings:	The proposed fence is intended to limit unwanted pedestrian access around the Time Square Plaza which consists of a strip mall and the "Prairie Market" grocery store.
3. Proposed fencing, screening and landscaping:	The property is zoned Flood Hazard District and the request is to allow a six foot high chain link fence extending from the east property line around the leased parking area. The applicant has revised the fence plan to show no "slats" to ensure clear visibility and a bottom railing to ensure that the fence does not deteriorate. The applicant has coordinated with the Rapid City Police Department, the Rapid City Fire Department, and the Rapid City Parks Department on the design and location of the fence. The applicant must continue to coordinate with these departments to ensure that the fence does not create any new negative impacts.

4. Proposed vegetation, topography and natural drainage:	The applicant is not proposing any new landscaping. The applicant obtained a Floodplain Development Permit on March 7, 2016.
5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:	The intent of the proposed fence is to limit unwanted foot traffic. The Rapid City Police Department has submitted a Crime Prevention through Environmental Design Inspection report which identifies the issues that the proposed fencing should help alleviate. There is sidewalk located along East Boulevard North and Omaha Street. In addition, the property is the location of the bike path. Vehicular access to the parking lot is from the property to the north.
6. Existing traffic and traffic to be generated by the proposed use:	The intent of the proposed fence is to limit unwanted foot traffic. The proposed fence may have an impact on vehicular circulation around the buildings to the north. The applicant shall coordinate with the Rapid City Police Department and the Rapid City Fire Department to alleviate any traffic issues.
7. Proposed signs and lighting:	The applicant is not proposing any new signage or lighting.
8. The availability of public utilities and services:	The property is currently served by public utilities including Rapid City sewer and water. Rapid City Utility Maintenance has indicated concurrence with the location of the proposed fence.
9. The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:	The property is zoned Flood Hazard District. A fence is a conditional use in the district. The applicant has obtained a Floodplain Development Permit for the proposed fence.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The proposed fence is in compliance with the requirements of the Zoning Ordinance.
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 intent of the proposed fence is to limit unwanted pedestrian access and to prevent loitering and crime which is documented in the Rapid City Police Department (CPTED) inspection report.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:	The stipulations of approval will ensure that the proposed fence is designed to ensure safety and maintenance of the proposed fence.

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 property is located on the west side of East Boulevard North which is identified as a Revitalization Corridor and northwest of the intersection of East Boulevard and Omaha Street which is identified as a Revitalization Node.

 A Vibrant, Livable Community	
LC-3.2A	Park and Facility Maintenance: The Rapid City Parks Department has requested that a bottom railing be provided for the proposed fence and that no “slats” be installed. The bottom railing ensures that the mesh chain link fence is secured and limits damage from lawn mowers. In addition, having no “slats” provides visibility and limits a surface for graffiti.
 A Safe, Healthy, Inclusive, and Skilled Community	
SHIS-1.2A	Crime Prevention through Design: The Rapid City Police Department has submitted a (CPTED) inspection report assessing the issues associated with the proposed fence. The intent of the fence is to limit unwanted pedestrian traffic and to reduce opportunities for criminal activity.
 Efficient Transportation and Infrastructure Systems	
TI-2.1A	Major Street Plan Integration: The property abuts Omaha Street and East Boulevard North which are both identified as Principal Arterial Streets on the City’s Major Street Plan. The adopted Comprehensive Plan also identifies East Boulevard North and Omaha Street as Revitalization Corridors and the center of a Revitalization Node.
 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 Conditional Use Permit requires that public notice be advertized in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Conditional Use Permit 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):	Parks and Greenway
Design Standards:	
N/A	The principal use of the property is as the Rapid City Greenway Tract. The applicant has leased an area of the property for a parking lot and is proposing to construct a six foot high chain link fence to limit unwanted pedestrian access to the area.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter	
Neighborhood:	North Rapid
Neighborhood Goal/Policy:	
NR-	Parks and Greenways: The North Rapid Neighborhood Area identifies ensuring

NA1.1E	a safe environment as a goal. The proposed fence is intended to limit unwanted pedestrian traffic and to limit criminal activity. The Rapid City Police Department has submitted a CPTED inspection report identifying the types of activities which the fence may help alleviate. The Rapid City Police Department also has stated that the fence should not have "slats" to maintain visibility for crime prevention.
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Findings
Staff has reviewed the Conditional Use Permit to allow a fence in the Flood Hazard District pursuant to Chapter 17.28, and Chapter 17.54.030 of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. The property is located in a Revitalization Node and is the location of leased parking for a commercial property located to the north. The Comprehensive Plan identifies ensuring safety and crime prevention through design as key goals in this area. The proposed chain link fence is intended to prevent unwanted foot traffic in an area that is prone to criminal activity. The Rapid City Police Department has submitted a Crime Prevention through Environmental Design inspection report which identifies issues which the fence should help alleviate.

Planning Commission Recommendation and Stipulations of Approval	
Staff recommends that the Conditional Use Permit to allow a fence in the Flood Hazard District be approved with the following stipulation:	
1.	The applicant shall continue to coordinate with the Rapid City Police Department and the Rapid City Fire Department on the location of the proposed fence;
2.	The fence shall be designed to have a bottom rail and shall not have slats installed; and,
3.	The Conditional Use Permit shall allow a six foot high chain link fence in the Flood Hazard District. Changes to the proposed fence shall require an amendment to the Conditional Use Permit.