



# Rapid City Planning Commission

## Conditional Use Permit Project Report

January 26, 2017

<b>Item #7</b>
<b>Applicant Request(s)</b>
Case # 16UR025 – Major Amendment to a Conditional Use Permit to revise the stipulation to allow fence slats
Companion Case(s) # N/A

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

<b>Project Summary Brief</b>
The applicant has submitted a Major Amendment to a Conditional Use Permit to revise a stipulation to allow fence slats. In particular, a Conditional Use Permit was approved on April 7, 2016 (File #16UR004) to allow 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 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 stipulation of approval was that no fence slats be allowed.

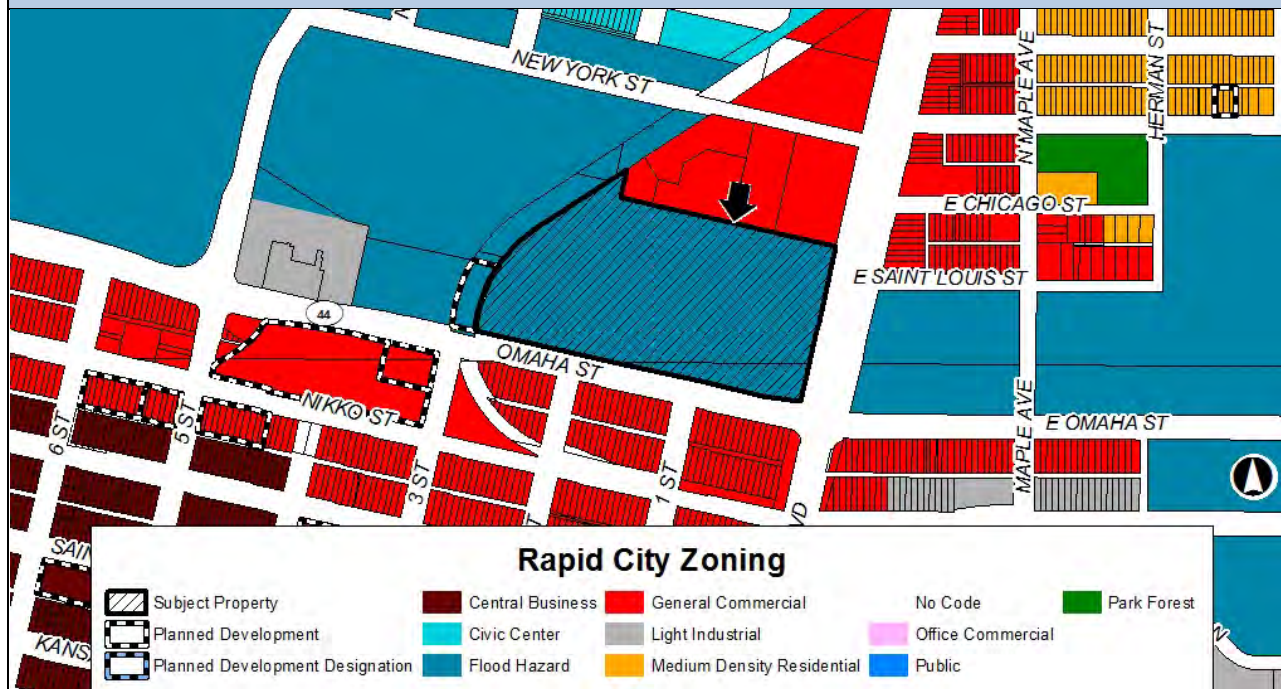
Applicant Information	Development Review Team Contacts
Applicant: TKRS Properties, LLC	Planner: Fletcher Lacock
Property Owner: City of Rapid City	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: N/A	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: Nooney & Solay, 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

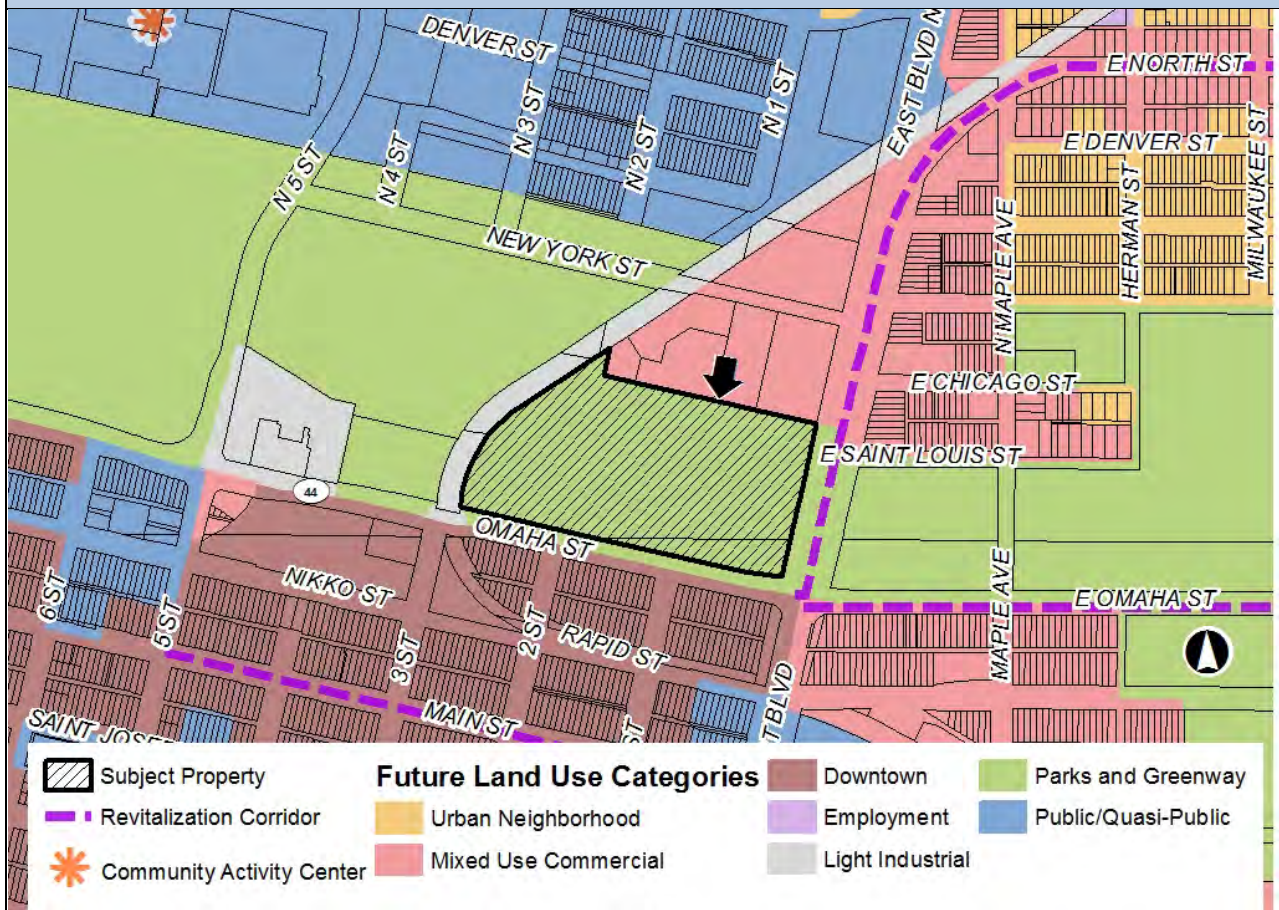
### Zoning Map



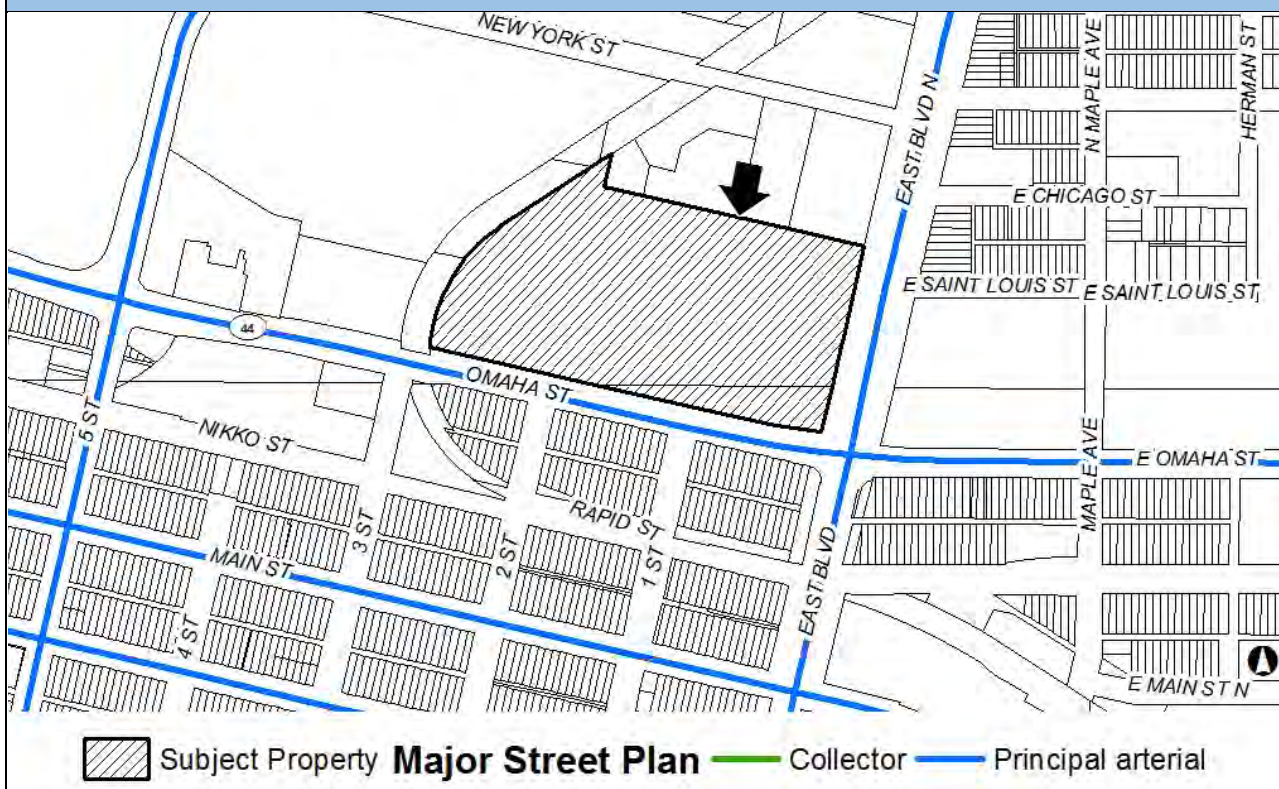
### Existing Land Uses



### Comprehensive Plan Future Land Use






### Parks or Transportation Plan







<b>Relevant Case History</b>			
<b>Case/File#</b>	<b>Date</b>	<b>Request</b>	<b>Action</b>
16UR004	4/7/2016	Conditional Use Permit to allow a fence in the Flood Hazard District	Planning Commission approved
<b>Relevant Zoning District Regulations</b>			
<b>Flood Hazard District</b>	<b>Required</b>	<b>Proposed</b>	
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	

<b>Planning Commission Criteria and Findings for Approval or Denial</b>	
<b>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</b>	
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 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:	A stipulation of approval of the Conditional Use Permit to allow the fence was that there be no "slats" to ensure clear visibility. The fence was constructed with slats and the applicant has submitted this Major Amendment to revise the stipulation of approval to allow slats. The Rapid City Police Department has indicated that the slats still allow the visibility that was intended by the stipulation and as such is in support of the Major Amendment.
4. Proposed vegetation, topography and natural drainage:	The applicant obtained a Floodplain Development Permit on March 7, 2016 for the existing fence. On April 7, 2016, the Planning Commission approved a Conditional Use Permit to allow a fence in the Flood Hazard District.

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 fence is to limit unwanted foot traffic. The Rapid City Police Department submitted a Crime Prevention through Environmental Design Inspection Report which identified 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 fence is to limit unwanted foot traffic.
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 indicated concurrence with the location of the 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 submitted this Major Amendment to revise the stipulation of approval to allow fence slats.
10. The overall density, yard, height and other requirements of the zone in which it is located:	The 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 Rapid City Police Department has indicated that the intention of the stipulation of approval to not allow fence slats was to maintain clear visibility. The fence was constructed with slats. The Police Department has subsequently inspected the fence and indicated concurrence with allowing fence slats since visibility is being maintained.
12. The degree to which conditions imposed will mitigate any probable adverse impacts of the proposed use on existing adjacent uses:	The Rapid City Police Department has indicated concurrence with the request to change the stipulation of approval to allow fence slats. The applicant should be aware that the 2016 lease agreement states that maintenance of the fence is the lessee's responsibility.

<b>Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial</b>	
<b>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:</b>	
<b>Comprehensive Plan Conformance – Core Values Chapters</b>	
	<b>A Balanced Pattern of Growth</b>
	N/A
	<b>A Vibrant, Livable Community</b>
LC-3.2A	<b>Park and Facility Maintenance:</b> The applicant should be aware that maintenance of the fence is the lessee's responsibility.
	<b>A Safe, Healthy, Inclusive, and Skilled Community</b>
SHIS-1.2A	<b>Crime Prevention through Design:</b> The Rapid City Police Department has inspected the fence and has indicated concurrence with the request to allow fence slats.

	<b>Efficient Transportation and Infrastructure Systems</b>
	N/A
	<b>Economic Stability and Growth</b>
	N/A
	<b>Outstanding Recreational and Cultural Opportunities</b>
	N/A
	<b>Responsive, Accessible, and Effective Governance</b>
GOV-2.1A	<b>Public Input Opportunities:</b> The proposed Major Amendment to a 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.

<b>Comprehensive Plan Conformance – Growth and Reinvestment Chapter</b>	
<b>Future Land Use Plan Designation(s):</b>	<b>Parks and Greenway</b>
<b>Design Standards:</b>	
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 a six foot high chain link fence to limit unwanted pedestrian access to the area.

<b>Comprehensive Plan Conformance – Neighborhood Area Policies Chapter</b>	
<b>Neighborhood:</b>	<b>North Rapid</b>
<b>Neighborhood Goal/Policy:</b>	
NR-NA1.1E	<b>Parks and Greenways:</b> The North Rapid Neighborhood Area identifies ensuring a safe environment as a goal. The 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 has visited the property and has stated that visibility is maintained with the slats. As such, the Rapid City Police Department has indicated concurrence with the request to allow fence slats.

<b>Findings</b>
Staff has reviewed the Conditional Use Permit to revise the stipulations to allow fence slats 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 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 inspected the fence with slats and has indicated concurrence with revising the stipulation of approval to allow fence slats.

<b>Planning Commission Recommendation and Stipulations of Approval</b>
Staff recommends that the Conditional Use Permit to revise the stipulation to allow fence slats

be approved with the following stipulation(s):

1.	The Major Amendment to a Conditional Use Permit shall allow a six foot high chain link fence with slats and a bottom rail in the Flood Hazard District. Changes to the proposed fence shall require an amendment to the Conditional Use Permit.
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## Rapid City Community Planning & Development Services

### Development Review Advisories

*Disclosure: The Development Review Team has created this list of Advisories as a courtesy for your specific application. **This is not a complete list.** All City, District, State, and Federal requirements must be continually met.*

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<b>ADVISORIES: Please read carefully!</b>	
1.	All requirements of the Infrastructure Design Criteria Manual and the Rapid City Standard Specifications shall be met;
2.	All requirements of the currently adopted Building Code shall be met; and,
3.	All requirements of the International Fire Code shall be met.