

STAFF REPORT

July 5,2001

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**No. 01UR028 - Use On Review to allow a Mission in the Central Business District**      **ITEM 64**

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GENERAL INFORMATION:

PETITIONER	Joe Mustard for Native American Heritage Association
REQUEST	<b>No. 01UR028 - Use On Review to allow a Mission in the Central Business District</b>
LEGAL DESCRIPTION	Lots 1-7, Block 96, Original Town of Rapid City, Section T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .56 Acres
LOCATION	405 Saint Joseph Street
EXISTING ZONING	Central Business District
SURROUNDING ZONING	
North:	Central Business District
South:	Central Business District
East:	General Commercial District
West:	Central Business District
PUBLIC UTILITIES	City water and sewer
REPORT BY	Lisa Seaman

RECOMMENDATION: Staff recommends that the Use On Review to allow a Mission in the Central Business District be **approved with the following stipulations:**

**Engineering Division Recommendations:**

1. **Prior to City Council approval; a post and chain barrier be installed across the east curb cut on Saint Joseph Street and signage shall be installed at the west curb cut on Saint Joseph Street to identify it as an “enter only” access location;**

**Fire Department Recommendations:**

2. **That the applicant shall correct all Fire Code Violations in accordance with the schedule included in the “Letter of Intent” provided to the Fire Department by the applicant;**

**Urban Planning Division Recommendations:**

3. **There shall be no inoperable vehicles on the site;**
4. **There shall be no outside storage of personal belongings;**
5. **Prior to City Council approval documentation from the Building Inspection Department and the Health Department shall be provided that verify that the**

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- mission complies with all Life and Safety Codes;**
- 6. That all Life and Safety Codes shall be continually met;**
  - 7. If required, an 11.1 Historic Preservation approval shall be received prior to the issuance of any Building Permits;**
  - 8. That a Services Plan be provided and approved by the City Planning Commission and City Council and any change in the services plan shall require a Major Amendment to the Use On Review;**
  - 9. That the services plan include provisions for 24 hour supervision by an individual or individuals trained and qualified to administer the functions and activities of the mission;**
  - 10. That the Use On Review be granted for a period of one year subject to renewal by the Planning Commission and the City Council;**
  - 11. That monthly reports provided by a member of the Native American Heritage Association Board of Directors shall be provided to the City Council at a regular scheduled meeting. The monthly report shall include a monthly statistical summary of occupancy for the month, updates on any administrative changes, stability of the Mission, a prepared statement by a law enforcement representative describing any events that required police action and a prepared statement by a Building Inspection representative describing the exterior and interior maintenance conditions of the building and grounds.**

GENERAL COMMENTS: The applicant has purchased the Tip Top Motel and has applied for Use on Review approval in order to operate a mission on the property. Currently a 24,500 square foot structure with 63 rooms is located on the property. The site plan submitted with this application shows the location of two driveways providing access to the property from Saint Joseph Street and one driveway from Fourth Street, 22 off-street parking spaces and a minimal amount of landscaping.

The facility is owned and will be operated by the Native American Heritage Association (NAHA). NAHA is proposing to provide lodging and food for misplaced families for a maximum of 120 days at no cost. During their stay at the proposed mission residents will be expected to seek employment or assistance and save funds for deposits and rent on long term lodging. The applicant has indicated that no counseling services will be provided by NAHA; however, other Social Service agencies will be encouraged to utilize the second floor lobby area to provide support services.

NAHA has established an advisory council to oversee client applications. Rules and regulations (see attached) have already been drafted that the residents must comply with while residing at the proposed mission.

In 1987 the City Council approved a Use on Review for the Cornerstone Mission with eight stipulations. The Cornerstone Mission Use on Review request is similar in many respects to this request, therefore staff has utilized the Cornerstone Mission review as a guide for this review.

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STAFF REVIEW: Staff has reviewed this request with respect to the criteria established for missions in the Central Business Zoning District as identified in Section 17.16.030(B):

*1. Provide a detailed program and services plan at time of application, including, but not limited to, hours of operation, and type and extent of supervision.*

As mentioned previously, NAHA has submitted information regarding a services plan and rules and regulations for the facility. The facility will operate 24 hours a day, seven days a week. The plan details who will be permitted to utilize the mission as well as the length of time a family can reside at the mission. The plan does not include information regarding supervision, enforcement of rules and regulations, and maintenance of the facility. **The applicant has submitted the requested information regarding supervision and enforcement of rules.**

*2. Must meet fire, building and health requirements.*

The Fire Department has completed a site inspection and noted numerous code violations. Staff has not received documentation verifying that the Health Department or Building Inspection Department has inspected the facility. **The Fire Department has indicated that the applicant is working closely with the Fire Department and has corrected the majority of the code violations identified during the May 21, 2001 inspection. In addition, the applicant has signed a "Letter of Intent" to the Fire Department identifying a schedule of when the remaining violations will be corrected.**

*3. Any significant modification in the program and services plan will require a new application.*

The applicant should be aware that any major modification to the identified service plan would require a Major Amendment to the Use on Review.

*4. Missions shall not be located in the downtown historic district.*

Staff has verified that the subject property is not located within the downtown historic district.

Staff has also reviewed this request with respect to the criteria established in Section 17.54.030 and noted the following concerns:

**Landscaping:** As noted previously, the property currently has a minimal amount of landscaping. Though not required in the Central Business Zoning District, staff is encouraging the applicant to provide additional landscaping on the property.

**Access:** The property currently has two curb cuts, 63 feet apart, providing access to the property from Saint Joseph Street. Saint Joseph Street is classified as a principal arterial and the Street Design Criteria Manual states that the minimum approach separation for a

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street serving more than 5,000 vehicles per day is 125 feet. Therefore, staff is recommending that the east approach be eliminated. The existing three story motel structure has been constructed within a few feet of the front property line and approximately 13 feet from the west approach. Because the sight triangle for this approach is significantly restricted by the existing structure Engineering Staff is recommending that the west approach be posted and utilized as a "enter only" access location.

Monthly Reports: Initially, the Cornerstone Mission was required to provide monthly statements detailing occupancy statistics, events requiring law enforcement involvement, exterior and interior maintenance conditions and administrative changes. The City Council requested these reports to enable them to keep abreast of potential problems developing with respect to the mission and take action to mitigate the problems. Similarly, staff is recommending that a member of the NAHA Board of Directors provide a monthly report to the City Council for the proposed mission.

**As of this writing, the receipts from the certified mailing have been returned by the applicant.** A sign has been posted on the property stating that a Use on Review has been requested. Staff has received one comment objecting to the proposed mission.