

20. 2004-2008 Transportation Improvement Program Amendment

**Planning Commission recommended approval of the 2004-2008 Rapid City Area Transportation Improvement Program Amendment #04-003.**

21. 2005-2009 Transportation Improvement Program Final Report

**Planning Commission recommended approval of the 2005-2009 Final Rapid City Area Transportation Improvement Program.**

**---END OF HEARING CONSENT CALENDAR---**

**---BEGINNING OF REGULAR AGENDA ITEMS---**

28. No. 04PD038 - Original Town of Rapid City

A request by Cornerstone Rescue Mission to consider an application for a **Planned Residential Development - Initial and Final Development Plan to allow a group home in a High Density Residential Zoning District** on the E1/2 of Lot 27 and all of Lots 28-29, Block 116, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 404 Columbus Street.

Fisher presented the request and reviewed the staff report noting staff's recommendation to continue the request to the September 23, 2004 Planning Commission meeting to allow the applicant to submit a site plan identifying the required number of off-street parking spaces.

**Brown moved and Anderson seconded to continue the Planned Residential Development - Initial and Final Development Plan to allow a group home in a High Density Residential Zoning District to the September 23, 2004 Planning Commission meeting.**

Gary Larson, area property owner, stated opposition to the proposed group home noting that he had offered to purchase the property from ~~Women-Working~~ Against Violence. Larson described his past experiences with a number of development applications processed through Rapid City and Pennington County. Larson stated that subject property is located in a neighborhood with churches, a middle school, daycare facilities and residential homes. Larson expressed concern that the use of the property by the Cornerstone Rescue Mission will bring an element to the neighborhood that is less than desirable. Larson stated his opinion that the subject property would provide a temporary solution and he encouraged the Planning Commission to look at possible long-term solutions for housing the transient population. Larson expressed concern that the use of the subject property by the Cornerstone Rescue Mission as a group home would inhibit growth in the downtown area. Larson emphasized that he feels that residents from the Cornerstone Rescue Mission are markedly different from the ~~Women-Working~~ Against Violence residents.

Peg Seljeskog, President of the ~~Women-Working~~ Against Violence agency,

advised that the organization purchased the subject property in 1980. Seljeskog provided comparisons between the residents of the ~~Women-Working~~ Against Violence shelter and the women and children who are currently housed at the Cornerstone Rescue Mission. Seljeskog reviewed statistics associated with homeless women and children noting that many of the clients that ~~Women-Working~~ Against Violence serves have been or will eventually return to the Cornerstone Rescue Mission. Seljeskog emphasized that ~~Women-Working~~ Against Violence has a strong working relationship with the Cornerstone Rescue Mission noting that she does not believe the group home facility will become an issue of vagrancy. Seljeskog explained that the ~~Women-Working~~ Against Violence facility is not designed for long-term transitional housing noting that the proposed group home facility would meet those needs. Seljeskog stated that the central location of the subject property is an important consideration as many of the people who would use the facility do not have automotive transportation.

In response to a question from Schmidt, Seljeskog explained circumstances where women and children would transfer between residency at the ~~Women-Working~~ Against Violence Facility and the Cornerstone Rescue Mission. Schmidt asked if representatives from the Cornerstone Rescue Mission would be available at the September 23, 2004 Planning Commission meeting. Dan Island, Director of the Cornerstone Rescue Mission, stated that both he, and Ms. Seljeskog would be attending all hearings concerning the proposed facility.

In response to a question from Brown, Island advised that there are strict policies for control in place at the existing mission facility. Island indicated that there will be no men allowed on the property with the exception of male staff. Island added that staff will be on-site 24 hours daily.

In response to a question from Prairie Chicken, Island identified the four parking spaces that have been shown on the site plan at the rear of the property. Island stated that it is not possible to provide additional parking on the property. Island stated that because the residents do not drive he believes the five parking spaces shown on the site plan are adequate for the proposed use and requested that the Planning Commission grant a variance to the parking requirement. Island requested that vehicles be permitted to back from the four parking spaces into the alley.

Prairie Chicken requested clarification concerning the parking requirements identified for the subject property.

Fisher reviewed the parking regulations noting that the proposed use would require that ten parking spaces be provided. Fisher added that the parking ordinance does not permit vehicles to back into the alley right-of-way.

In response to a question from Prairie Chicken, Fisher stated that the Planning Commission has the ability to grant exceptions through the Planned Development.

Anderson requested clarification concerning how the ~~Women-Working~~ Against Violence organization operated at this facility with one off-street parking space.

Seljeskog stated that on-street parking was primarily used by the ~~Women~~ Working Against Violence staff and that their clients rarely drove to the shelter.

Schmidt noted that the Cornerstone Rescue Mission has a substantially larger client base than the ~~Women~~ Working Against Violence group. Hadcock spoke in support of the proposed group home facility.

Jim Castleberry, advised that he is a retired law enforcement officer and an assistant professor at the South Dakota School of Mines and Technology. Castleberry requested that that Planning Commission grant the applicant a variance to the parking requirement and for backing into the alley right-of-way. Castleberry noted that a neighboring business was granted a variance to back into the alley right-of-way. Castleberry stated that he does not feel the applicant should be required to pave the alley to Fourth Street. Castleberry stated that there are representatives from the Rapid City Police Department that can speak to the security and vagrancy issues. Castleberry emphasized that most people driving past the property will not realize the facility is there.

In response to a question from Prairie Chicken, Elkins clarified that the Planning Commission can grant design exceptions to the requirement for parking and backing into the alley right-of-way. She noted that the City Council could waive the requirement for paving the alley.

Prairie Chicken noted that that the parking spaces would not function unless vehicles are allowed to back into the alley. Prairie Chicken commented that Rapid City has social problems as well as other communities noting that the issue of homelessness in our community must be addressed.

**Prairie Chicken made a substitute motion to approve the Planned Residential Development-Initial and Final Plan to allow a group home in a High Density Residential Zoning District with the following stipulations:**

- 1. A variance is hereby granted to allow five parking spaces in lieu of the required ten parking spaces with one of the spaces being "van" handicap accessible;**
- 2. Prior to issuance of a building permit, the alley shall be paved from the approach along the rear lot line of the property to 4<sup>th</sup> Street or a waiver to the paving requirement shall be obtained from the City Council;**
- 3. Prior to issuance of a building permit, the shrubs located along the front lot line shall be trimmed and/or removed from the ten-foot sight triangle. In addition, a minimum of 6,638 landscaping points shall continually be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary;**
- 4. A Building Permit and a Certificate of Occupancy shall be obtained prior to occupancy;**
- 5. All Uniform Fire Codes shall be met;**
- 6. A group home shall be allowed on the property as defined by Chapter 17.04.350 of the Zoning Ordinance. This shall not include missions, detoxification centers or detention centers. In particular, the existing**

**residence shall be used as a group home for women and children with a maximum of eight bedrooms. Any expansion of the use or change in use shall require the review and approval of a Major Amendment to the Planned Residential Development; and,**

- 7. The Planned Residential Development shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. Hadcock seconded the motion.**

In response to a question from Schmidt, Island clarified that the existing mission will continue to operate at the current location. Island noted that the proposed facility will allow women and children to be moved to a separate location noting that they plan to convert the section of the mission currently occupied by women and children to a veteran's wing.

Schmidt requested clarification concerning whether people dropping off donations on the property would generate traffic problems. Island described the procedures currently in place for accepting donations at the mission. Castleberry noted that the mission population averages between 85 and 100 people per day noting that 18 women and children will be moving to the proposed facility.

In response to a question from Schmidt, Elkins stated that staff feels it would be an advantage to have the school nearby so that the children living at the facility could attend.

Anderson requested additional clarification concerning the clients to be staying at the proposed facility. Seljeskog reviewed the differences between the temporary shelter provided at the ~~Women-Working~~ Against Violence facility and the proposed transitional housing at the subject property.

David Crabb advised that his company owns a fifteen unit apartment building at 1509 Quincy Street immediately north and across the alley from the subject property. Crabb stated that he believes additional security was provided when the ~~Women-Working~~ Against Violence facility operated at the subject property noting that many of the residents had restraining or protection orders that limited violence and abuse. Crabb expressed concern that the mission use will attract a number of males that will frequently loiter around the facility. Crabb added that he does not feel that the use of taxpayer funds to rehabilitate an 82 year old facility with limited occupancy is appropriate. Crabb suggested that the Berquist School or the Ziggy's building at the fairgrounds be evaluated as potential alternate sites for the proposed use.

In response to a question from Anderson, Seljeskog clarified that not all residential clients at ~~Women-Working~~ Against Violence have protection orders or restraining orders. Seljeskog added that the proposal for the facility does not allow male relatives or interested parties in or around the building. Seljeskog clarified that the funding for this project is from a federal Community Development Block Grant and monies raised by the Cornerstone Rescue Mission.

Castleberry discussed the demographics of some of the residents to be living at the facility and reviewed security procedures for the property.

Anderson requested clarification concerning whether additional controls can be placed on the approval of the proposed use in the event problems or concerns at the facility. Elkins responded that the program plan could be specifically referenced in stipulation six.

In response to a question from Anderson, Elkins stated that if there were violations of the stipulations of approval the City would have the right to bring enforcement action to try to correct the problems or could revoke approval of the use.

Brown advised that he would vote against the motion on the floor as he is not comfortable with granting a variance on the basis of addressing a social issue. Brown stated that he believes all applicants should be treated similarly and he expressed concern that a precedent would be set. Brown indicated that he feels the applicant should work with staff to determine if a compromise can be made.

In response to a question from Schmidt, Elkins indicated that she did not believe the school was notified of the proposed use.

Tamara Pier advised that she is a member of the ~~Women-Working~~ Against Violence board. Pier noted that the offer that Larson made for the property was extremely low noting that the Cornerstone Rescue Mission made a reasonable offer for the property. Pier noted that the off-street parking requirements for the property would make office commercial uses difficult. Pier stated that it is her opinion that the proposal from the applicant is an extremely reasonable use of the property.

Hadcock spoke in support of the motion on the floor noting that there were no parking problems at the facility when the ~~Women-Working~~ Against Violence facility was operating at the subject property. Hadcock noted that variances for parking requirements were granted to other businesses in the area.

Prairie Chicken clarified that parking variances have been granted for other businesses with other issues in this area noting that he is not suggesting the parking requirements be waived because this is a social issue.

In response to a question, Elkins reviewed the process that Hadcock followed to obtain a parking variance.

Anderson stated that he would like to place additional restrictions on the proposed use.

**Anderson offered a friendly amendment to the motion on the floor adding the following language to stipulation six: "The use of the property shall continually comply with all provisions of the Program Plan submitted as a part of this application. Any change in the operations shall be submitted for approval as a Major Amendment."**