

STAFF REPORT

April 9, 2009

No. 09SR108 - SDCL 11-6-19 Review request to construct a public school on public property

ITEM 46

GENERAL INFORMATION:

APPLICANT	South Dakota Board of Regents
AGENT	Renner Associates, LLC
PROPERTY OWNER	South Dakota Board of Regents
REQUEST	No. 09SR108 - SDCL 11-6-19 Review request to construct a public school on public property
EXISTING LEGAL DESCRIPTION	That part of the NE1/4 SW1/4 and that part of the S1/2 SW1/4, Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying south of Lot H7 as conveyed to the Chicago and North Western Railway Company in Deed Book 145, Page 192 and shown on the plat filed in Highway Plat Book 4, Page 90, excepting there from Lot A of Tract B, as shown on the plat filed in Plat Book 10, Page 4; excepting there from that portion of Lots 1, 2 and 3 in Block 1 of Heartland Retail Center located in the SW1/4 SW1/4 of Section 27, as shown on the plat filed in Plat Book 31, Page 111, and that portion of the NW1/4 NW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying north of Lot H3 (Cheyenne Boulevard), as shown on the plat filed in Highway Plat book 11, Page 126 and lying north of Cheyenne Boulevard, as shown on the plat filed in Plat Book 31, Page 111, excepting there from Lots 1, 2 and 3 in Block 1 of Heartland Retail center, all as shown on the plat filed in Plat Book 31, Page 111, and that portion of the NE1/4 NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, lying north of the Lot H3 (Cheyenne Boulevard), as shown on the plat filed in Highway Plat Book 11, Page 162
PARCEL ACREAGE	Approximately 41.984 acres
LOCATION	4300 Cheyenne Boulevard
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	General Commercial District and Heavy Industrial District-Pennington County
South:	General Commercial District

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East:	Box Elder
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	11/5/09
REVIEWED BY	Vicki Fisher / Karley Halsted

RECOMMENDATION:

Staff will recommend that the SDCL 11-6-19 Review request to construct a public school on public property be approved if the following issues are addressed prior to Planning Commission approval:

1. All necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department;
2. An Exception shall be obtained to allow a 40 foot wide driveway in lieu of a maximum 28 foot wide driveway as per the Street Design Criteria Manual or the site plan shall be revised accordingly;
3. An Exception is hereby granted to allow a 52 foot 8 inch structure in lieu of a maximum 45 foot structure in the General Commercial District;
4. The applicant shall identify whether the water and sewer mains being extended into the property to serve the school are private mains or public mains. If the mains are to be private mains, the construction plans shall be revised to show valves and curb stops in the right-of-way as needed. If the mains are to be public mains, easements shall be secured and maintenance identified;
5. The maximum number of students projected to attend the school shall be identified in order to determine if parking is being provided at a ratio of 0.5 parking spaces per student as per the City's adopted Parking Regulations or if an Exception must be granted; and,
6. A revised landscape plan shall be submitted for review and approval identifying the square footage of the "developed area" in order to determine if sufficient landscape points are being provided. In addition, the landscape plan shall be revised to provide additional landscape points if needed.

GENERAL COMMENTS:

The applicant has submitted a SDCL 11-6-19 Review to allow a public school to be constructed on the property. The applicant has indicated that the 51,960 square foot building will be a three story structure for college students and will be constructed as Phase One of the "University Center of the Black Hills". The applicant is also proposing to construct a 1,093 square foot garage in the northwest corner of the property as an accessory use to the college.

The applicant has indicated that a second phase of the project will include expanding the building to the east and constructing additional parking. Phase Two of the project is not

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included in this review and, as such, will require a separate SDCL 11-6-19 Review be submitted for review and approval prior to the construction of that phase of the development.

On November 5, 2009, the Planning Commission approved a Vacation of Section Line Highway request (File #09VR006) to vacate the section line highway that extends through the southern portion of the property. The City Council will consider the request at their December 7, 2009 City Council meeting.

The property is located approximately 750 feet east of the intersection of Elk Vale Road and Cheyenne Boulevard on the north side of Cheyenne Boulevard. Currently, drainage improvements and a City sewer main exist within the eastern portion of the property. The balance of the site is void of any structural development.

South Dakota Codified Law 11-6-19 states that “whenever any such municipal council shall have adopted the comprehensive plan of the municipality or any part thereof, then and thenceforth, no street, park, or other public way, ground, place, space, no public building or structure, no public utility, whether publicly or privately owned, if covered by the comprehensive plan or any adopted part thereof, shall be constructed or authorized in the municipality or within its subdivision jurisdiction as defined in § 11- 6-26, until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission”. The request to construct a public school on public property is a public improvement. In addition, the property is identified within the area covered by the Rapid City Comprehensive Plan requiring that the construction be reviewed and approved by the Rapid City Planning Commission.

STAFF REVIEW: Staff has reviewed the SDCL 11-6-19 Review to allow a public school on public property and has noted the following considerations:

Easements: During the review of the associated Vacation of Section Line Highway request, it was noted that easements must be recorded for the existing drainage improvements and the City’s sewer main located on the property. The applicant has indicated that a copy of the recorded easements will be submitted for review and approval prior to City Council approval of the Vacation of Section Line Highway request. Since this issue is being addressed as a part of the Vacation of Section Line Highway request and since the proposed college campus does not conflict with this area of the property, the easements are not required as a part of this review.

Water and Sewer: The construction plans identify the proposed extension of water and sewer mains from Cheyenne Boulevard to serve the proposed college campus. It is unclear if the applicant intends for the mains to be private mains or public mains. As such, staff recommends that prior to Planning Commission approval, the applicant must identify whether the water and sewer mains are private mains or public mains. If the mains are to be private mains, the construction plans must be revised to show valves and curb stops in the right-of-way as needed. If the mains are to be public mains, easements must be secured and maintenance identified.

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Design Features: The applicant has submitted an elevation of the proposed school identifying a three story structure with a flat roof and with a parapet along the front of the building. The applicant has indicated that the building will be constructed with brick, burnished block, glass and wood. The brick will be in several shades of brown earth tone colors. The applicant has indicated that the proposed garage will be a one story structure and constructed with similar wood materials and colors as the school.

The structural elevations identify the school with a height of 52 feet 8 inches. Chapter 17.18.060 states that no building or structure shall exceed four stories or 45 feet in height in the General Commercial District. As such, the applicant has requested an Exception to allow the 52 foot 8 inch structure in the General Commercial District. The applicant has also demonstrated that the structure will set back a minimum of 59 feet to the closest lot line which will minimize the impact of the additional height on the adjacent properties. Based on the elevations of the building and that the location of the building on the property exceeds the minimum required setbacks in the General Commercial District, staff recommends that the Exception be granted as requested.

Parking: The Parking Regulations require that 0.5 parking spaces be provided for each student. The applicant has submitted a site plan identifying 501 parking spaces being constructed with this phase of the development. However, the applicant has not identified the projected maximum number of students to attend the school. As such, prior to Planning Commission approval, the maximum number of students projected to attend the school must be identified in order to determine if parking is being provided at a ratio of 0.5 parking spaces per student as per the City's adopted Parking Regulations or if an Exception must be granted.

Landscaping: The proposed college campus is located within the southwest corner of the 41.984 acre parcel. The applicant has not identified the square footage of the developed area in order to determine if the minimum required landscape points are being provided. As such, prior to Planning Commission approval, a revised landscape plan must be submitted for review and approval identifying the square footage of the developed area. In addition, the landscape plan must be revised to provide additional landscape points if needed.

Signage: The applicant has submitted a sign package showing two monument signs located at the entrance along Cheyenne Boulevard. The signs measure approximately 9 feet high by 20 feet long and are to be constructed with the same building material and colors as the school. The sign package also identifies wall signs along the front of the building with similar building material and color. All of the signs will identify the college campus. The signs are in compliance with the City's adopted Sign Code Ordinance.

Permits: An Air Quality Permit must be obtained from the South Dakota Department of Environment and Natural Resources prior to any surface disturbance of one or more acres. A Stormwater Quality Management Plan in accordance with the adopted Stormwater Quality Manual must also be obtained prior to the start of construction. A Building Permit must be obtained prior to the start of construction and a Certificate of Occupancy must be obtained prior to occupying the structure.

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Phase Two: The applicant has submitted a site plan showing a future Phase Two of the development to include expanding the building to the east, providing additional parking and constructing a third approach to this area of the parking lot. Phase Two of the project is not included in this review and, as such, will require a separate SDCL 11-6-19 Review be submitted for review and approval prior to the construction of Phase Two. The applicant should be aware that as a part of that future review, an Exception must be obtained to allow three approaches in lieu of two approaches to the property as per the Street Design Criteria Manual.

The location and extent of the proposed construction of the public school on public property is consistent with the adopted Comprehensive Plan and the related regulations. As such, staff will recommend that the SDCL 11-6-19 Review be approved if the above noted issues are addressed prior to Planning Commission approval of this item.