

STAFF REPORT  
September 9, 2010

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**No. 10UR009 - Conditional Use Permit to allow a school and church  
in Medium Density Residential zoning district**

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**ITEM 25**

GENERAL INFORMATION:

APPLICANT	Diocese of Rapid City
AGENT	ARC International
PROPERTY OWNER	Diocese of Rapid City and Rapid City Catholic Schools
REQUEST	<b>No. 10UR009 - Conditional Use Permit to allow a school and church in Medium Density Residential zoning district</b>
EXISTING LEGAL DESCRIPTION	The SE1/4 NW1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 40.0 acres
LOCATION	2101 City Springs Road
EXISTING ZONING	Medium Density Residential District/Low Density Residential District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	Medium Density Residential District with a Planned Residential Development
West:	General Agriculture District
PUBLIC UTILITIES	City Water and Sewer
DATE OF APPLICATION	4/23/2010
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a school and church in Medium Density Residential zoning district be approved with the following stipulations:

1. The uses allowed on the property shall include: a school, including preschool and Kindergarten through 5<sup>th</sup> Grade and a child care center for after school hours and summer months; a church to be used in conjunction with the school; and, a Spiritual Life Center as an accessory to the church. The Spiritual Life Center shall be used for faith based retreats or religious events. The Center shall be used for retreats up to two weeks in length and include 24 double occupancy lodging rooms. Any change in use or expansion of use shall require

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- the review and approval of a Major Amendment to the Conditional Use Permit. Changes in use or expansion of use, which the Growth Management Director determines is consistent with and accessory to the original approved uses, shall be allowed as a Minimal Amendment to the Conditional Use Permit;
2. A Building Permit shall be obtained prior to any construction **for the school and church use** and a Certificate of Occupancy shall be obtained prior to occupancy. All plans must be stamped and signed by a Registered Professional Engineer or Architect as per SDCL 36-18A;
  3. The proposed structures shall conform architecturally to the plans and elevations approved as part of this Conditional Use Permit;
  4. An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre;
  5. Upon submission of a Building Permit application **for the school and church use**, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval;
  6. A minimum of 359,380 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  7. Prior to Planning Commission approval, the water system analysis report shall be stamped and signed by a Registered Professional Engineer;
  8. A minimum of 179 parking spaces shall be provided. In addition, eight of the parking spaces shall be handicap accessible spaces. Four of the handicap spaces shall be "van accessible". All provisions of the Off-Street Parking Ordinance shall be continually met. As the church will be used in conjunction with the school, the church will share parking spaces with the school. Any expansion of the school or a change in use for the church will require additional parking and a Major Amendment to the Conditional Use Permit;
  9. Upon submission of a Building Permit application **for the school and church use**, revised plans identifying the replacement of the fire hydrants shall be submitted for review and approval. All currently adopted International Fire Codes shall be met;
  10. Prior to Planning Commission approval, a complete sign package, to include the five (5) ground signs, one (1) electronic sign, and any proposed wall signs, shall be submitted for review and approval, or a Major Amendment to the Conditional Use Permit shall be submitted prior to any signage being placed on the property;
  11. Prior to Planning Commission approval, all required right-of-way permits and recorded easements shall be submitted;
  12. Prior to Planning Commission approval, a Floodplain Development Permit or Letter of Map Revision shall be submitted for review and approval;
  13. Upon submission of a Building Permit application **for the school and church use**, the revised design plans for the five driveway approaches shall be stamped and signed by a Registered Professional Engineer or Architect. Any changes in the approved site plan or changes in use that require a Major Amendment to the Conditional Use Permit will require that the exception for the five driveway approaches be re-submitted for review and approval;
  14. Upon submission of a Building Permit application **for the school and church use**, the applicant shall submit plans for the construction of the two turn lanes at St. Martins Drive and Sturgis Road and the improvements shall be completed prior to obtaining a Certificate of Occupancy;

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15. Prior to Planning Commission approval, the final Traffic Impact Study shall be signed and stamped by a Professional Registered Engineer;
16. All provisions of the Medium Density Residential District shall be met unless an exception is specifically authorized as a stipulation of the Conditional Use Permit or a subsequent Major Amendment; and,
17. The Conditional Use Permit shall expire if the use is not undertaken and completed 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.

GENERAL COMMENTS: **(Update, August 31, 2010. All revised and/or added text is shown in bold print.)** This item was continued to the **August 26, 2010 Planning Commission meeting to allow further information to be provided.** (Update, August 18, 2010. All revised and/or added text is shown in bold print.) This item was continued to the August 5, 2010 Planning Commission meeting to allow further information to be provided. (Update, July 27, 2010. All revised and/or added text is shown in bold print.) This item was continued to the August 5, 2010 Planning Commission meeting to allow further information to be provided. To date, the information has not been submitted for review and approval. The applicant has indicated that the information is planned to be submitted for the August 26<sup>th</sup> Planning Commission meeting. As such, staff recommends that the Conditional Use Permit request be continued to the August 26, 2010 Planning Commission meeting to allow the applicant to submit the additional information. (Update, June 29, 2010. All revised and/or added text is shown in bold print.) This item was continued to the July 8, 2010 Planning Commission meeting to allow further information to be provided. To date, the information has not been submitted for review and approval. As such, staff recommends that the Conditional Use Permit request be continued to the August 5, 2010 Planning Commission meeting to allow the applicant to submit the additional information. (Update, June 17, 2010. All revised and/or added text is shown in bold print.) This item was continued to the June 24, 2010 Planning Commission meeting to allow further information to be provided. (Update, June 2, 2010. All revised and/or added text is shown in bold print.) This item was continued to the June 10, 2010 Planning Commission meeting to allow further information to be provided. The applicant is requesting a Conditional Use Permit to allow a school and church in a Medium Density Residential zoning district. The property is located at 2101 City Springs Road. The site was the previous location of Saint Martins Monastery that included a school and church. The surrounding properties located north, south, and west are undeveloped at this time. The property located east of the site is proposed to be developed by the Good Samaritan Society for the future St. Martins Village.

The Benedictine Sisters transferred ownership to the Diocese of Rapid City and the Rapid City Catholic School System and the property has been renamed Terra Sancta. The Conditional Use Permit requests that this site be used for a school and church once again.

STAFF REVIEW: Staff has reviewed the Conditional Use Permit request and has noted the following considerations:

Land Use: The applicant has indicated that a preschool and Kindergarten through 5<sup>th</sup> Grade will be located on the site. A child care center will be included for after school hours and

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during the summer months. The church will be utilized for school and retreat functions. The church is currently not an established parish church, although there may be church services for the neighborhood or community. Churches, child care centers and schools are allowed as a Conditional Use Permit in the Medium Density Residential zoning districts. A caretaker will live on site and a kitchen will be used for the school and church functions. A former dormitory is proposed to be used for a Spiritual Life Center that may include overnight retreats. Prior to Planning Commission approval, an operational plan for the retreats must be submitted to determine who the attendants are and what are the retreat hours to clarify the use of that portion of the complex. Staff has received additional information on the Spiritual Life Center indicating that the center will be used to provide a regional retreat facility and retreat programs for use by constituents throughout the Rapid City Diocese Area to focus on personal faith building opportunities. The retreats are identified as an auxiliary use of the church and are allowed. The retreats could be for a day or for up to two weeks in length. A typical retreat would be held on a weekend. This initial phase includes 24 double occupancy lodging rooms used for the retreats.

Any additional uses or changes to the proposed uses will require a Major Amendment to the Conditional Use Permit. (Revised 6-17-10)

Parking: A total of 113 spaces are required for the church, 2 for the caretaker and 70 spaces for the school. The applicant has submitted a parking plan showing 35 spaces for the church, 100 spaces for the school, 2 spaces for the caretaker, and 24 spaces for the retreat area. The parking spaces and aisle widths indicated on the site plan meet the parking ordinance. Staff has requested an operational plan for the retreat functions to determine who attends the retreats and the hours of the retreats, to determine whether this use is permitted and if so, the number of parking spaces required. The applicant has indicated that the church spaces will be shared with the school. In addition, the parking plan submitted does not accurately identify the handicap parking spaces. Prior to Planning Commission approval, the applicant shall clarify the shared use of the church parking spaces to determine the required number of spaces needed for the church and school use and shall submit a revised parking plan identifying the handicap parking spaces. Identifying spiritual retreats at the Spiritual Life Center as an auxiliary use of the church, requiring one parking space for each of the 24 rooms, would be similar to the parking requirements for a dormitory or hotel. The parking plan indicates 24 spaces for the retreat area.

The applicant has indicated that there is no overlap of schedules or programs for the church and school. The church will be used as part of the school and will not have normal parish activities. As such, the church will share parking spaces with the school. However, any expansion of the school or a change in use for the church will require additional parking and a Major Amendment to the Conditional Use Permit. A revised parking plan has been submitted identifying the location of 8 handicapped parking spaces, including 4 van accessible spaces. (Revised 6-17-10) The revised site plan submitted in June indicates that a total of 179 parking spaces will be provided. (Revised 8-18-10)

Landscaping: The landscaping plan submitted does not identify the developed area and the square footage of all the buildings. Staff cannot accurately review the submitted

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landscaping plan to determine compliance with the adopted ordinances due to the scale of the information on the plan. Prior to Planning Commission approval, a revised landscaping plan shall be submitted for review and approval. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary. A revised landscaping plan has been submitted and reviewed. A total of 346,209 landscaping points are required. Currently, landscaping is located around the church. The applicant has submitted a landscaping plan indicating that 359,380 additional landscaping points will be provided. Staff is recommending that the landscaping be installed and maintained in accordance with the proposed landscaping plan. (Revised 6-17-10)

Signage: A complete sign package was not submitted with the application. The site plan indicates the location of five each lighted 5 foot by 10 foot monument signs and four each lighted 100 square foot wall signs. The applicant has indicated that one of the signs will include a 3 foot by 8 foot reader board. The site plan indicates that the materials will be concrete and stone to match the building. A complete sign package indicating the size, material, color, and lighting for each sign must be submitted for review and approval prior to Planning Commission approval or a Major Amendment to the Conditional Use Permit will be required for any future signage. Additional information has been submitted to indicate that the five ground signs will be approximately 8 feet in height, 6 feet in depth and 10 feet in width and will resemble the chapel in design. The materials will be metal and stone to match the buildings. All five ground signs are requested to be lit internally or with flood lights. The electronic sign is to be placed west of the school parking lot on the east wall of the gym. In addition, the applicant has indicated that there will be wall signs on the buildings to identify the areas for the school and Spiritual Center. Staff recommends that additional information for all the signs regarding the design, lighting and materials be submitted prior to Planning Commission approval or a Major Amendment to the Conditional Use Permit will be required for any signage. (Revised 6-17-10)

Elevations: The elevations of the structures currently indicate a predominance of stone and brick exteriors. Any exterior remodeling of the structures will continue with those materials.

Utilities: To date, a utility plan identifying the location and design of the utilities has not been submitted. Prior to Planning Commission, the applicant must provide a water system analysis prepared by a Registered Professional Engineer verifying sufficient quantities for domestic and fire flows, based on improvements in place or to be constructed in conjunction with this project. On June 10, 2010, hydrant flow test and interior fire protection sprinkler system information was submitted for review and approval. A water system analysis report prepared by a Registered Professional Engineer must be submitted for review and approval to verify that sufficient pressure requirements per City standards can be provided. (Revised 6-17-10) To date the water system analysis report has not been submitted. (Revised 6-30-10) To date the water system analysis report has not been submitted. (Revised 7-27-10) The water system analysis report has been submitted and reviewed. However, prior to Planning Commission approval, the report must be stamped by a Registered Professional Engineer. (Revised 8-18-10) **The applicant has submitted a water system analysis report stamped and signed by a Registered Professional Engineer. (Revised 8-31-10)**

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The water and sewer lines must be identified as public or private on the site plan and required easements provided. If any water or sewer lines cross other properties, an exception for nonconforming lines will also be required. The applicant has submitted additional information on the existing utilities and has identified them as "private mains". As such, an exception for service lines crossing adjacent property is not required. All but a portion of the existing off-site sewer and water private mains are located in an existing private easement located on property owned by the Good Samaritan Society. Prior to Planning Commission approval, a maintenance agreement for the sewer and water private mains must be submitted along with a copy of the existing recorded easement. (Revised 6-29-10) In addition, an east-west portion of the water main, not located within an easement, crosses the adjacent property owned by the Good Samaritan Society. (Revised 6-30-10) As such, an easement for this section of the water main must be recorded prior to Planning Commission approval. As a portion of the private sewer and water mains are located in City right-of-way, an agreement with the City to allow private water and sewer mains to cross public right-of-way or a utility permit as well as (Revised 6-30-10) a Maintenance Agreement with the City must be provided prior to Planning Commission approval. (Revised 6-17-10) In lieu of the agreements, a Right-of-Way Permit to allow private water and sewer mains to cross public Right-of-Way must be obtained from the Public Works Department prior to Planning Commission approval. (Revised 8-18-10) To date, none of the required easements or maintenance agreements have been submitted. (Revised 6-30-10) To date, none of the required easements or maintenance agreements have been submitted. (Revised 7-27-10) To date, none of the required easements or permits have been submitted. Staff is recommending that the required easements and permits must be submitted for review and approval prior to Planning Commission approval. (Revised 8-18-10) **The Right-of-way Permit has been obtained from the Public Works Department to allow private water and sewer mains to cross public right-of-way. The existing recorded Temporary Construction and Maintenance Utility Easement for the water and sewer located on adjacent property has been submitted. A copy of the signed and recorded easement for the east-west portion of the water main has not been submitted to date. Prior to Planning Commission approval, the east-west utility easement must be submitted for review and approval. (Revised 8-31-10)**

Fire: The Fire Department has indicated that the fire hydrants currently on the site will need to be replaced as they are inoperable. (Revised 6-17-10) Prior to obtaining a building permit, revised plans identifying the replacement of the fire hydrants shall be submitted for review and approval. (Revised 6-30-10)

Drainage: A northeast portion of the property is located in the 100 Year Federally dedicated floodplain. Prior to Planning Commission approval, plans must be submitted showing the location of the 100 Year Federally Designated Floodplain. In addition, prior to Planning Commission, a floodplain development permit must be obtained demonstrating that the improvements can be constructed with all applicable provisions, or a Letter of Map Revision must be obtained from the Federal Emergency Management Agency removing this portion of the property from the 100 Year Federally dedicated floodplain. Based on the length of time required to obtain a Letter of Map Revision, staff recommends that prior to Planning Commission approval, a Floodplain Development Permit be submitted for review and

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approval. (Revised 6-29-10) Prior to obtaining a building permit, design details of the detention pond drain pipes must be submitted for review and approval. Prior to obtaining a building permit, a Site Drainage Report with calculations must be submitted demonstrating any increase or decrease in impervious storm water runoff and storm water treatment provided if required. Due to the construction of the parking lots, a drainage easement must be secured as needed to accommodate the flows. If a detention pond is required, an easement for the detention pond shall be recorded prior to Planning Commission approval. The applicant has submitted information indicating that the detention pond is private; therefore, an easement is not required. (Revised 6-17-10) To date, the Floodplain Development Permit or Letter of Map Revision have not been submitted. (Revised 7-27-10) To date, the Floodplain Development Permit or Letter of Map Revision have not been submitted. Staff is recommending that the Floodplain Development Permit or Letter of Map Revision must be submitted for review and approval prior to Planning Commission approval. (Revised 8-18-10) **A Floodplain Development Permit has been submitted and approved for the portion of the parking lot located in the 100 year Federally Designated Floodplain. (Revised 8-31-10)**

Exception: The applicant's site plan indicates that there are five driveway approaches to this site. Two approaches are allowed in accordance with the Rapid City Street Design Criteria Manual. An exception for five approaches must be submitted and obtained prior to Planning Commission approval or the site plan must be revised to comply with the Street Design Criteria Manual. The exception for the five driveway approaches has been submitted and is currently being reviewed by staff. An exception must be obtained or a revised site plan submitted prior to Planning Commission approval. (Revised 6-17-10) The exception for five driveway approaches has been approved with stipulations. However, any changes in the approved site plan or changes in use that require a Major Amendment to the Conditional Use Permit will require that the exception for the five driveway approaches be re-submitted for review and approval. Prior to Planning Commission approval, design plans, that meet the stipulations of approval for the exception for the five driveway approaches, shall be submitted for review and approval. (Revised 6-29-10) To date, the revised design plans for the five driveway approaches have not been submitted. (Revised 7-27-10) The design plans for the five driveway approaches have been submitted and approved. However, the revised plans must be stamped by a Registered Professional Engineer or Architect upon submission of a Building Permit application. (Revised 8-18-10)

Traffic Impact Study: A Traffic Impact Study has been submitted for this property. Staff has reviewed the information and notes there are several issues that need to be clarified or revised. These issues include: (1) the trip generation rate needs to use a private school instead of a public school as the rates for private schools are not identical to the public schools as identified in the study; (2) trip generation rates for the Spiritual Life Center need to be included or the hours of operation for retreats must only be after 5 pm or on weekends; (3) the east bound right turn lane on St. Martin's Drive must be constructed prior to obtaining a Certificate of Occupancy for the school or the traffic study shall be revised to show that the east bound right turn lane is not needed for the school; (4) the traffic study indicates that City Springs Road will be used. The road shall be constructed as a part of this project or the traffic study must be revised prior to Planning Commission approval to indicate that this road

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will not be used and any other required improvements shall be identified; and (5) additional graphic changes on the report as red line comments must be addressed prior to Planning Commission approval. The applicant's Traffic Impact Study indicates that an east bound to south bound right turn lane (150 feet) at the intersection of Sturgis Road and St. Martins Drive and a south bound to west bound right turn lane (100 feet) at the intersection of Sturgis Road and St. Martins Drive must be constructed to address safety concerns associated with the additional traffic from the school. As such, prior to obtaining a Building Permit (Revised 6-30-10), the applicant must submit plans for the construction of the turn lanes at St. Martins Drive and Sturgis Road and the improvements must be completed prior to obtaining a Certificate of Occupancy. The Traffic Impact Study has been forwarded to the S.D. Department of Transportation for their comment on the need for a future traffic signal at that intersection as well as comments on the additional traffic at the intersection of Universal Drive and Sturgis Road (SD231). (Revised 6-17-10) No additional comments have been received from the S.D. Department of Transportation. Staff is recommending that the final Traffic Impact Study must be signed and stamped by a Professional Registered Engineer prior to Planning Commission approval. (Revised 8-18-10) **The Traffic Impact Study, stamped and signed by a Professional Registered Engineer, has been submitted. (Revised 8-31-10)**

Permits: All plans must be prepared, stamped and signed by a registered professional engineer or architect as per SDCL 36-18A. A Building Permit must be obtained prior to any construction. An Erosion and Sediment Control Plan must be obtained prior to obtaining a Building Permit. A Sign Permit must be obtained prior to any installation of signs. An Air Quality Permit is required for construction activities disturbing one acre or more of surface area.

Future Uses: Please note that this Conditional Use Permit does not address any future uses for the site, including the middle school, diocese offices, or expansion of the retreat center. The office uses beyond those for the school and onsite church are not allowed in Medium Density Residential Districts. If the property is used for a central office for the diocese, the property will need to be rezoned to Office Commercial District and a Major Amendment shall be obtained.

Notification Requirement: As of this writing, the sign has been posted on the property, and the receipts from the certified mailings have been returned. Staff has received no inquiries or objections regarding the proposed request at the time of this writing. (Revised 8-18-10)

Staff recommends that the Conditional Use Permit to allow a school and church in Medium Density Residential zoning district be continued to the June 10, 2010 Planning Commission meeting, at the applicant's request, to allow the applicant time to submit additional information. The applicant has requested that this application be continued to the June 24, 2010 Planning Commission meeting to allow additional time to submit the requested information. As such, staff recommends that the Conditional Use Permit to allow a school and church in Medium Density Residential zoning district be continued to the June 24, 2010 Planning Commission meeting at the applicant's request, to allow the information to be submitted for review and approval. Staff recommends that the Conditional Use Permit to



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allow a school and church in Medium Density Residential Zoning District be continued to the July 8, 2010 Planning Commission meeting to allow the applicant time to submit additional information for review. (Revised 6-17-10) Staff recommends that the Conditional Use Permit to allow a school and church in Medium Density Residential Zoning District be continued to the August 5, 2010 Planning Commission meeting at the applicant's request, to allow the applicant time to submit additional information for review. (Revised 6-30-10). Staff recommends that the Conditional Use Permit to allow a school and church in Medium Density Residential Zoning District be continued to the August 26, 2010 Planning Commission meeting at the applicant's request, to allow the applicant time to submit additional information for review. (Revised 7-27-10). Staff recommends that the Conditional Use Permit to allow a school and church in the Medium Density Residential Zoning District be approved with the previously stated stipulations if the applicable stipulations are met prior to the Planning Commission's consideration on August 26, 2010. (Revised 8-18-10)

**Staff recommends that the Conditional Use Permit to allow a school and church in the Medium Density Residential Zoning District be approved with the previously stated stipulations if the applicable stipulations are met prior to the Planning Commission's consideration on September 9, 2010. (Revised 8-31-10)**