

STAFF REPORT
October 6, 2011

**No. 11UR026 - Conditional Use Permit to allow a ITEM 21
Business/Vocational University in a Business Park District**

GENERAL INFORMATION:

APPLICANT	Mike Buckingham - National American University
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Rushmore Cedar, LLC
REQUEST	No. 11UR026 - Conditional Use Permit to allow a Business/Vocational University in a Business Park District
EXISTING LEGAL DESCRIPTION	Lot 1 of IGT Subdivision, located in Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.17 acres
LOCATION	5301 South Highway 16
EXISTING ZONING	Business Park District
SURROUNDING ZONING	
North:	General Commercial District - General Agriculture District
South:	Business Park District
East:	General Commercial District
West:	Park Forest District - Medium Density Residential District
PUBLIC UTILITIES	City/ City
DATE OF APPLICATION	9/9/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a business/vocational university in a Business Park District be approved with the following stipulations:

1. A Building Permit shall be obtained prior to any construction;
2. A Certificate of Occupancy shall be obtained prior to occupancy of the building;
3. An Air Quality Construction Permit shall be obtained prior to any surface disturbance of one acre or more;
4. The proposed signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this sign package. The addition of electronic signs shall be considered a Major Amendment to the Planned Commercial Development. Changes to the approved signage which the Growth Management Director

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- determines to be consistent with the design of the approved plans shall be allowed as a Minimal Amendment to the Conditional Use Permit. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign;
5. The lighting shall be designed to reflect light within the property boundaries, so as not to reflect or shine onto adjoining properties and rights-of-way and so as to not be a hazard to the passing motorist or constitute a nuisance of any kind;
 6. The landscaping shall be provided in compliance with the submitted plans. In particular, a minimum of 681,800 landscape points shall be provided on the National American University lot as proposed. Any changes to the landscaping which the Growth Management Director determines to be consistent with the approved landscaping plan shall be allowed as a Minimal Amendment to the Conditional Use Permit. All landscaping shall be maintained in a continuous vegetative state;
 7. All applicable provisions of the adopted International Fire Code shall be continually met;
 8. All provisions of the Business Park District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
 9. Prior to issuance of a Building Permit, the applicant shall submit signed and sealed plans, revised to include a stormwater control plan, an erosion and sediment control plan, an analysis of utility capacity, and a traffic analysis;
 10. Prior to issuance of a Certificate of Occupancy, all street improvements shall be completed per the recommendations of the traffic analysis, or surety shall be posted for the improvements.
 11. This Conditional Use Permit shall allow for a vocational/business school in a Business Park District. 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: On September 9, 2011, the applicant submitted a request for a Conditional Use Permit to allow a business/vocational university in a Business Park District. In particular, the request is to allow National American University to relocate its main campus to the same location as its administrative building.

A Preliminary Plat was approved for the property in 2007. A rezone request to change the zoning from General Agriculture District and General Commercial District to Business Park District was approved in 1994 (File #1291). Business/vocational schools are a Conditional Use in the Business Park District.

On Wednesday, September 29, 2011, the applicant met with neighboring property owners and other interested parties to discuss the proposed use. The applicant indicated approximately 20 residents attended the meeting.

The property is located at 5301 US Highway 16 South. Currently, the administrative offices for National American University are located on the property.

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STAFF REVIEW: Chapter 17.54.030.E of the Rapid City Municipal Code provides criteria for the review of a Conditional Use Permit. Staff has reviewed the proposed use according to the criteria and has noted the following considerations:

1. *The location, character and natural features of the property:*

The property is located at 5301 South Highway 16 on the south side of Rapid City. The existing building is a one story office building and warehouse. The property is constructed of masonry with wood-like accents. The proposed development will use signage, an entryway, and other architectural features to break up large expanses of the brick exterior in order to present the structure as a school, rather than a big box warehouse. The current building on the property and its off-street parking is landscaped.

2. *The location, character and design of adjacent buildings:*

There are no adjacent buildings to this property. The nearest building is located approximately 500 feet to the west of the property at 5353 Berglund Road and is a single-family residence on property zoned Park Forest District with a Planned Residential Development. Properties zoned General Agriculture District and General Commercial District is located to the north. The Business Park District continues to the south of the property. The property to the east of U.S. Highway 16 is zoned General Commercial District.

3. *Proposed fencing, screening and landscaping:*

The applicant's site plan shows that existing warehousing space will be converted to classrooms, offices, and labs for the University. This conversion and the requested use appears to create more than a 20 percent increase in capacity, which triggers a review of landscaping and parking requirements for the property. The information submitted with this application provides a landscaping plan for the entire site with a total of 681,800 points. From the information submitted with this application, it appears that landscaping requirements are being met. The landscaping must be provided in compliance with the submitted plans. In particular, a minimum of 681,800 landscape points must be provided on the National American University lot as proposed. In addition, the landscaping must be maintained in a live vegetative state.

4. *Proposed vegetation, topography and natural drainage:*

The applicant's site plan shows that there will be an increase in impervious surfaces as a result of increased parking. The submitted plans do not include information for the quantity and quality control of stormwater runoff. As such, prior to issuance of a building permit, revised plans must be submitted to include a stormwater management plan. Additionally, prior to issuance of a building permit, an erosion and sediment control plan for the proposed construction must be submitted to the Public Works Department for review and approval.

5. *Proposed pedestrian and vehicular access, circulation and parking, including that related*

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to bicycles and other unpowered vehicles and provisions for handicapped persons:

The U.S. Highway 16 Service Road is classified as a collector street on the City's Major Street Plan. Fox Road is classified as a sub-collector street. U.S. Highway 16 and the U.S. Highway 16 Service Road to the east, as well as Fox Road to the north, provide vehicular and bicycle access to the site. It appears that parking and circulation requirements for the proposed use are being met. The plans as submitted show the required amount of ADA accessible parking, as well as pedestrian access through the parking area and a loop-trail system located on the campus.

The proposed development appears to create a substantial increase in area traffic patterns. Staff has noted that the applicant has commissioned a traffic study to examine the effects of increased student and staff capacities at the location, and to determine any required infrastructure improvements. As such, prior to issuance of a building permit, a traffic analysis must be submitted to the Growth Management Department for review and approval. In addition, prior to a Certificate of Occupancy, all street improvement recommendations identified in the traffic analysis shall be completed.

6. *Existing traffic and traffic to be generated by the proposed use:*

According to the Institute of Traffic Engineers' traffic generation data, the university and the administrative offices will generate approximately 1,628 trips per day, or approximately 212 trips per peak hour.

7. *Proposed signs and lighting:*

The applicant should be aware that any signage must be in compliance with Rapid City Municipal Code Chapter 15.28. A sign building permit must be obtained for all signs. Rapid City Municipal Code Chapter 15.50.310 says, "Lighting of all types, excluding street lighting and traffic signals, shall be directed so as to reflect away from all residential districts, and shall be so situated so as not to reflect directly onto any public rights-of-way, so as to create a traffic hazard." From the information submitted, it appears the proposed lighting meets City requirements.

8. *The availability of public utilities and services:*

The property is currently served by public utilities including Rapid City sewer and water. The information submitted with this application does not show the effect of increased occupancy on current utility services. As such, prior to issuance of a Building Permit, utility capacity for the proposed use must be confirmed by a licensed engineer and submitted to the Public Works Department for review and approval.

9. *The objectives of the adopted comprehensive plan and the purpose of the ordinance codified herein:*

Property located in a Business Park District is intended to be used for businesses which for purposes of security, efficiency, and flexibility are located in close proximity or on the

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same developmental lot. The District provides for the integration of office, classrooms, and other university functions into one campus. A business/vocational school is Conditional Use in a Business Park District. One of the goals of the Comprehensive Plan as identified in the Future Land Use Plan Overview adopted in 2008 is to provide a variety of centers for community activities and employment that meet the needs of residents and are integrated into the fabric of the community. The proposed relocation of the University provides a center of community activity and employment. The Business Park District is a part of the Zoning Ordinance designed to facilitate the goals of the Comprehensive Plan.

10. The overall density, yard, height and other requirements of the zone in which it is located:

The existing and proposed development on the property is in compliance with the density, yard and height requirements of the Business Park District. Land zoned Park Forest District is being screened to the northwest. From the information submitted with this application, it appears that density, setbacks, building height, and other land use regulations are currently being met.

11. The effects of noise, odor, smoke, dust, air, and water pollution and the degree of control through which clarifiers, screening, setbacks and orientation:

The applicant's site plan shows a substantial increase in parking. An air quality construction permit must be obtained for disturbances of earth of more than one acre. Additionally, the information submitted with this application does not show a plan for the management of stormwater and drainage. As such, prior to issuance of a building permit, revised plans shall be submitted to include a stormwater management plan. Also, prior to issuance of a building permit, an erosion and sediment control must be submitted for review and approval to the Public Works Department for the proposed construction. Noise and light resulting from the proposed use appears to be sufficiently buffered from neighboring uses.

12. The degree to which conditions imposed will mitigate any probably adverse impacts of the proposed use on existing adjacent uses:

The stipulations of approval of the Conditional Use Permit will serve as a tool to insure that the proposed expansion maintains compatibility with the surrounding area and uses. It appears the site will be sufficiently buffered from existing residential development and will not create additional noise or light nuisances. Any required improvements for safe traffic and pedestrian flows will be provided.

Notification Requirements: The required sign has been posted on the property. At this time, the required receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the October 6, 2011 Planning Commission meeting if these requirements have not been met. As of this writing, there have been four inquiries regarding this Conditional Use request.

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Staff recommends that the request for a Conditional Use Permit be approved with the stipulations outlined above.