

STAFF REPORT  
February 9, 2012

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**No. 12UR004 - Conditional Use Permit to allow a University in a Medium Density Residential Zoning District** **ITEM 13**

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GENERAL INFORMATION:

APPLICANT	Lanny L. Evans
PROPERTY OWNER	Abiding Word Lutheran Church
REQUEST	<b>No. 12UR004 - Conditional Use Permit to allow a University in a Medium Density Residential Zoning District</b>
EXISTING LEGAL DESCRIPTION	Lot 2 of Block 8 of Western Heights Subdivision located in Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 1.03 acres
LOCATION	4021 Range Road
EXISTING ZONING	Medium Density Residential District
SURROUNDING ZONING	
North:	Public District
South:	Medium Density Residential District
East:	Medium Density Residential District
West:	Medium Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	Rapid City
DATE OF APPLICATION	1/13/2012
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Conditional Use Permit to allow a University in conjunction with an existing church in a Medium Density Residential Zoning District be approved with the following stipulations:

1. The existing church use and proposed university shall not operate concurrently;
2. The university shall be allowed with a maximum of 84 students or additional parking shall be provided. A Major Amendment to a Conditional Use Permit shall be required to increase the maximum number of students;
3. The university shall operate in compliance with the approved operational plan;
4. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment;
5. A building permit shall be obtained prior to any construction and a Certificate of

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- Occupancy shall be obtained prior to occupancy;
6. Prior to issuance of a building permit, a revised landscaping plan shall be submitted for review and approval. All provisions of Rapid City Municipal Code Section 17.50.300, the Landscaping Regulations, shall be continually met. All landscaping shall be continually maintained in a live vegetative state and replaced as necessary;
  7. A minimum of 42 parking spaces shall be provided. In addition, two of the parking spaces shall be handicap accessible. One of the handicap spaces shall be "van accessible." All provisions of the Off-Street Parking Ordinance shall be continually met;
  8. All signage shall conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Conditional Use Permit. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs shall require the review and approval of a Major Amendment to the Conditional Use Permit. 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;
  9. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind;
  10. The applicant shall coordinate with the Rapid City Fire Department regarding fire protection requirements specific to this use, building construction and available fire flows. All applicable provisions of the adopted International Fire Code shall continually be met; and,
  11. The Conditional Use Permit shall allow for a university in conjunction with the existing church in the Medium Density Residential District. Any change in use that is a permitted use in the Medium Density Residential District shall require the review and approval of a Minimal Amendment. Any change in use that is a Conditional Use in the Medium Density Residential District shall require the review and approval of a Major Amendment to the Conditional Use Permit.

**GENERAL COMMENTS:**

The applicant has submitted a Conditional Use Permit to allow a university in conjunction with an existing church in the Medium Density Residential District. In particular, the applicant is proposing to open an extension of John Witherspoon College in the existing church. The hours of operation will be from 8 AM to 4 PM on weekdays with some evening classes from 6 PM to 9 PM. No outdoor activity areas are designated and no student housing is proposed. The applicant is proposing that a maximum of 100 students may be possible within 5 years. The parking provided allows a maximum of 84 students. Once the student count reaches 84 students, a new location must be sought for the potential expansion in order to accommodate the growth.

On August 16, 1993, a Conditional Use Permit to allow a church (File #1202) was approved with stipulations.

On October 6, 2005, a Conditional Use Permit to allow a church in the Medium Density Residential District (File #05UR017) was approved with stipulations. The Conditional Use Permit request was for a revised landscaping plan, parking plan, the addition of a steeple to the structure and a revised sign package.

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On December 19, 2011, the City Council approved an Ordinance Amendment (File #11OA013) adding colleges and universities as a Conditional Use in the Medium Density Residential District which became effective on January 13, 2012.

The property is located south of Range Road between 38<sup>th</sup> Street and Range Road. Currently, a church is located on the property.

**STAFF REVIEW:**

Staff has reviewed the proposed use with respect to Chapter 17.54.030(E) and has noted the following issues:

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

The property is located south of Range Road between 38<sup>th</sup> Street and Range Road. The north and south ends of the property slope up to a flat area in the middle where the church is located. The landscaping and trees on the property are of mature size.

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

The properties to the east, west and south of the subject property are one and two story residential structures. Located to the north of the subject property are sporting fields for Stevens High School. Stevens High School is located to the west of the proposed university.

*3. Proposed fencing, screening and landscaping:*

The applicant is not proposing any additional fencing, screening or landscaping. The existing landscaping was approved as a part of the Conditional Use Permit to allow a church. The landscaping and trees are of a mature size. The landscape plan submitted with the application does not identify the types of trees, shrubs or square yardage of grass. Prior to issuance of a building permit, a revised landscaping plan must be submitted for review and approval. All provisions of Rapid City Municipal Code Section 17.50.300, the Landscaping Regulations, must be continually met. All landscaping must be continually maintained in a live vegetative state and replaced as necessary.

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

There will be no changes in impervious surfaces, topography or drainage.

*5. Proposed pedestrian and vehicular access, circulation and parking, including that related to bicycles and other unpowered vehicles and provisions for handicapped persons:*

Vehicular access is off of Range Road. There is a sidewalk along Range Road providing pedestrian access to the property. The site plan shows a total of 42 parking stalls with two handicapped accessible stalls. The existing parking allows for a maximum of 84 students. A Conditional Use Permit exists to allow a church on the

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property. There is not enough parking to accommodate the church and the university in session at the same time. As such, the existing church use and university must not operate concurrently. The applicant has stated in the submitted operational plan that the university will be conducted such that it will not conflict with the church use. As a part of this approval the university must operate in compliance with the approved operational plan to ensure adequate parking is accessible.

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

The proposed university will generate approximately 238 trips per weekday and approximately 24 trips per weekday peak hour. The existing church use will generate approximately 153 trips per Sunday. Range Road is identified as a collector street on the City's Major Street Plan and generally carries around 3,000 trips per day.

*7. Proposed signs and lighting:*

The university is proposing to use the existing sign locations and change the wording to John Witherspoon College. All signage must conform to Chapter 15.28 of the Rapid City Municipal Code. No electronic signs are being approved as a part of this Conditional Use Permit. All signage not in conformance with Chapter 15.28 of the Rapid City Municipal Code or any electronic reader board signs will require the review and approval of a Major Amendment to the Conditional Use Permit. Lighting for the signs must be designed to preclude shining on the adjacent properties and/or street(s). A sign permit must also be obtained for each individual sign. All outdoor lighting must be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind. No additional lighting is proposed.

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

The property is currently served by public utilities including Rapid City sewer and water.

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

One of the goals of the adopted Comprehensive Plan is to maintain a commitment to neighborhoods by implementing appropriate policies that preserve and improve the quality and character of the community's established neighborhoods. On January 13, 2012, an ordinance amendment to allow colleges and universities as a conditional use in the Medium Density Residential District went into effect. The zoning ordinance is the tool that implements the Comprehensive Plan. It appears that the proposed university is in compliance with the City's adopted Comprehensive Plan.

The Conditional Use Permit will allow for a university in the Medium Density Residential District. Any change in use that is a permitted use in the Medium Density Residential District will require the review and approval of a Minimal Amendment. Any change in

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use that is a Conditional Use in the Medium Density Residential District will require the review and approval of a Major Amendment to the Conditional Use Permit.

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

The existing structure is in compliance with the density, yard and height requirements of the Medium Density Residential District. All provisions of the Medium Density Residential District must be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment.

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

The number of students allowed is based on the number of parking stalls available. The university shall be allowed a maximum of 84 students or additional parking must be provided. A Major Amendment to a Conditional Use Permit will be required to increase the maximum number of students. The existing setbacks to the structure and mature landscaping should provide a degree of control over any possible negative effects of noise or light pollution. No potential odor, smoke, air or water pollution has been identified.

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

The stipulations of approval identified a maximum on the number of students that the university may have based on the available parking stalls and ensures that the church use and university will not operate concurrently in order to mitigate impacts to the neighborhood. In addition, the stipulations of approval will ensure that the university continually complies with the Rapid City Municipal Code, Building Code and International Fire Code.

Fire Department: The applicant must coordinate with the Rapid City Fire Department regarding fire protection requirements specific to this use, building construction and available fire flows. All applicable provisions of the adopted International Fire Code must continually be met.

17.12.030(S): The applicant has submitted a letter of intent for the proposed university addressing the identified considerations as per Section 17.12.030(S) of the Rapid City Municipal Code. The hours of operation will be from 8 AM to 4 PM on weekdays including some classes from 6PM to 9PM. No outdoor activities are planned. No student housing is proposed. No retail component is proposed. When the university reaches the maximum student body a new location will be sought for further expansion. The university must operate in compliance with the approved operational plan

Notification: As of this writing, the white slips and green cards have not been returned. The required sign has been posted on the property. Staff will notify the Planning

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Commission at the February 9, 2012 Planning Commission meeting if these requirements have not been met.