

STAFF REPORT
December 8, 2005

No. 05RZ047 - Rezoning from General Agriculture District to General Commercial District **ITEM 24**

GENERAL INFORMATION:

PETITIONER	Buescher Frankenberg Associates for Wal-Mart Stores, Inc.
REQUEST	No. 05RZ047 - Rezoning from General Agriculture District to General Commercial District
EXISTING LEGAL DESCRIPTION	A portion of the W1/2 of the NW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More fully described as follows: Commencing at the W 1/16th corner of Sections 26 and 35, T1N, R7E, BHM, Thence S00°00'22"W, along the west 1/16th line of Section 35, a distance of 868.95 feet to the point of beginning; Thence, first course; S00°00'22"W, along the west 1/16th line of Section 35, a distance of 467.76 feet to the NW1/16th corner of Section 35; Thence second course: S00°00'00"W, along the west 1/16th line of Section 35, a distance of 1331.21 feet; Thence, third course: N89°25'54"W, along the north right-of-way line of Sammis Trail, a distance of 1430.94 feet; Thence, fourth course: N17°10'59"E, along the east right-of-way line of S.D. Highway 16, a distance of 518.88 feet; Thence, fifth course: N64°24'55"W, along said east line, a distance of 35.03 feet; Thence, sixth course; N06°41'13"E, along said east line, a distance of 820.33 feet, to a point on the N 1/16th line of Section 35; Thence seventh course: N06°40'10"E, along said east line, a distance of 598.55 feet; Thence eighth course: S83°15'19"E, a distance of 1152.16 feet, to the point of beginning.
PARCEL ACREAGE	Approximately 54.00 acres
LOCATION	Near the intersection of S.D. South Highway 16 and Moon Meadows Road on the east side of S.D. South Highway 16
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Highway Service District (Pennington County) - General Agriculture District
East:	General Agriculture District - Limited Agriculture District

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West: (Pennington County)
General Commercial District (Planned Commercial Development) - Public District

PUBLIC UTILITIES City sewer and water

DATE OF APPLICATION 7/8/2005

REVIEWED BY Vicki L. Fisher / Bob Dominicak

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to General Commercial District be continued to the **January 5, 2006 Planning Commission meeting to allow the applicant to submit a correct legal description.**

GENERAL COMMENTS:

(Update, November 29, 2005. All revised and/or added text is shown in bold print.) This item was continued at the October 27, 2005 Planning Commission meeting to allow the applicant to further address traffic and utility concerns for an associated Layout Plat of the subject property. On November 10, 2005, the applicant submitted a revised Layout Plat, an Initial Planned Residential Development and a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer, additional pavement and to dedicate additional right-of-way along street sections as identified on the associated Layout Plat. In addition, the applicant submitted a revised legal description for all four of the applications as identified. However, staff has noted that the legal description is incorrect. As such, staff is recommending that this item be continued to the January 5, 2006 Planning Commission meeting to allow a correct legal description to be submitted. Please note that no other part of this Staff Report has been revised.

(Update, October 19, 2005. All revised and/or added text is shown in bold print.) This item was continued at the September 22, 2005 Planning Commission meeting to allow the applicant to further address traffic and utility concerns. On September 30, 2005, the applicant submitted a water and sanitary sewer improvement plan, a traffic impact study, a revised Layout Plat, a revised Master Plan, a Phasing Plan, and a revised legal description. In addition, on October 11, 2005, a landscaping plan was submitted for review and approval. The applicant has, subsequently, requested that this item be continued to the December 8, 2005 Planning Commission meeting to allow them to further coordinate traffic and phasing issues. Please note that no other part of this Staff Report has been revised.

(Update, September 11, 2005. All revised and/or added text is shown in bold print.) This item was continued at the August 4, 2005 Planning Commission meeting to allow the applicant to further address traffic and utility concerns. To date, the information has not been submitted for review and approval. Subsequently, the applicant has requested that this item and the associated Layout Plat be continued to the October 27, 2005 Planning Commission meeting to allow them additional time to address the issues as identified. As

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such, staff is recommending that the Rezoning request be continued to the October 27, 2005 Planning Commission meeting as requested. Please note that no other part of this Staff Report has been revised.

The applicant has submitted a Rezoning request to change the zoning designation of the subject property from General Agriculture District to General Commercial District. In addition, the applicant has submitted a Layout Plat to subdivide the subject property into six commercial lots leaving an unplatted balance. The applicant has also submitted a Planned Development Designation request for the subject property. (See companion items #05PL129 and 05PD051.)

The property is located in the northeast corner of the intersection of Moon Meadows Drive and US Highway 16 and is currently void of any structural development.

STAFF REVIEW:

On July 22, 2005, the applicant requested that the associated Layout Plat and the Rezoning request be continued to the September 22, 2005 Planning Commission meeting in order to further address traffic and utility concerns. Staff is, subsequently, recommending that this item be continued to the October 27, 2005 Planning Commission meeting as identified above.