

STAFF REPORT
February 21, 2008

No. 07CA023 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development **ITEM 38**

GENERAL INFORMATION:

PETITIONER/AGENT	Whittingham & Lestrangle, LPI
REQUEST	No. 07CA023 - Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development
EXISTING LEGAL DESCRIPTION	A parcel of land located in the NE1/4 SW1/4 in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described as follows: commencing at the rear lot corner common to Lots 3 and 4 of Block 1 of Tower Ridge 2 Subdivision, rebar with a survey cap stamped LS 6117, Thence S25°59'34"E a distance of 55.29' to the point of beginning; Thence First Course: along a line with a bearing of N00°00'38"E and a distance of 355.70; Thence Second Course: along a line with a bearing of S10°41'47"E and a distance of 590.96 feet; to an intersection with the northerly line of Lot 5 of Block 1 of Tower Ridge 2 Subdivision; Thence Third Course: along said Lot 5 and the northerly line of Lot 4 of Block 1 of Tower Ridge 2 Subdivision with a bearing of N25°59'34"W and a distance of 250.40 feet to the Point of Beginning
PARCEL ACREAGE	Approximately 0.448 acres
LOCATION	Northeast of Table Rock Road
EXISTING ZONING	Park Forest District
SURROUNDING ZONING	
North:	Park Forest District
South:	Park Forest District
East:	Park Forest District
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/11/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

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RECOMMENDATION:

Staff recommends that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development be **approved**.

GENERAL COMMENTS:

(Update, February 12, 2008. All revised and/or added text is shown in bold print.) This item was continued at the January 10, 2008 Planning Commission meeting to allow the applicant to submit additional information. On February 8, 2008, the applicant submitted revised construction plans and reports and a revised plat document for an associated Preliminary Plat application. In addition, the applicant submitted an Initial Commercial Development Plan to allow a Wal-Mart Supercenter to be constructed on 23.0242 acres, which includes this property. This proposed Rezoning request, an oblong triangular sliver measuring approximately 590 feet in length by 33 feet in width and consisting of 0.448 acres, is located along the eastern portion of the 23.0242 acre parcel. In particular, the site plan shows a retaining wall, a row of parking spaces and a landscape buffer area within the 0.448 acres.

(Update, January 3, 2008. All revised and/or added text is shown in bold print.) This item was continued at the November 8, 2007 Planning Commission meeting to allow the applicant to submit additional information. Staff met with the applicant on August 7, 2007 to discuss Traffic Impact Study revisions, drainage issues and access issues. To date, the revised and/or additional information has not been submitted for review and approval. The applicant's Engineer has indicated that they anticipate submitting the information on January 25, 2008. As such, staff is recommending that this item be continued to the February 21, 2008 Planning Commission meeting.

(Update, October 26, 2007. All revised and/or added text is shown in bold print.) This item was continued at the October 25, 2007 Planning Commission meeting to allow the applicant to submit additional information. Staff met with the applicant on August 7, 2007 to discuss Traffic Impact Study revisions, drainage issues and access issues. To date, the revised and/or additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the December 6, 2007 Planning Commission meeting.

(Update, October 12, 2007. All revised and/or added text is shown in bold print.) This item was continued at the October 4, 2007 Planning Commission meeting to allow the applicant to submit additional information. Staff met with the applicant on August 7, 2007 to discuss Traffic Impact Study revisions, drainage issues and access issues. To date, the revised and/or additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the November 8, 2007 Planning Commission meeting.

(Update, September 21, 2007. All revised and/or added text is shown in bold print.) This

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item was continued at the September 6, 2007 Planning Commission meeting to allow the applicant to submit additional information. Staff met with the applicant on August 7, 2007 to discuss Traffic Impact Study revisions, drainage issues and access issues. To date, the revised and/or additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the October 25, 2007 Planning Commission meeting.

(Update, August 24, 2007. All revised and/or added text is shown in bold print.) This item was continued at the August 9, 2007 Planning Commission meeting at the applicant's request. Staff met with the applicant on August 7, 2007 to discuss Traffic Impact Study revisions, drainage issues and access issues. To date, the revised and/or additional information has not been submitted for review and approval. As such, staff is recommending that this item be continued to the October 4, 2007 Planning Commission meeting.

(Update, July 27, 2007. All revised and/or added text is shown in bold print.) This item was continued at the July 26, 2007 Planning Commission meeting at the applicant's request. The applicant has subsequently requested that this item be continued to the August 23, 2007 Planning Commission meeting. As such, staff is recommending that the Comprehensive Plan Amendment to the Future Land Use Plan be continued to the August 23, 2007 Planning Commission meeting as requested by the applicant.

(Update, July 13, 2007. All revised and/or added text is shown in bold print.) This item was continued at the July 5, 2007 Planning Commission meeting at the applicant's request. The applicant has subsequently requested that this item be continued to the August 9, 2007 Planning Commission meeting. As such, staff is recommending that the Preliminary Plat be continued to the August 9, 2007 Planning Commission meeting as requested by the applicant.

(Update, June 27, 2007. All revised and/or added text is shown in bold print.) This item was continued at the June 21, 2007 Planning Commission meeting at the applicant's request. The applicant has subsequently requested that this item be continued to the July 26, 2007 Planning Commission meeting. As such, staff is recommending that the Amendment to the Adopted Comprehensive Plan be continued to the July 26, 2007 Planning Commission meeting as requested by the applicant.

The applicant has submitted an Amendment to the adopted Comprehensive Plan to change the future land use designation from Park Forest to General Commercial with a Planned Commercial Development on a .0448 acre parcel. In addition, the applicant has also submitted a Rezoning request (File #07RZ043) to change the zoning designation on the .0448 acre parcel, from Park Forest to General Commercial. The applicant has also submitted a Planned Development application (File #07PD034) for the .0448 acre parcel. In addition, the applicant has submitted a Preliminary Plat (File #07PL067) to subdivide 78.613 acres, including the .0448 parcel, into eleven lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #07SV026) to waive the requirement to install

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curb, gutter, sidewalk, street light conduit, water and sewer along Catron Boulevard and U.S. Highway 16. **On February 13, 2008, the City approved a Planned Development Designation for the property.**

On June 3, 2002, the City Council approved a rezoning request to change the zoning designation on a portion of the property, or 14.726 acres, from General Agriculture District to Office Commercial District. In addition, a Planned Development Designation was approved for this portion of the property. The 14.726 acres included that property currently platted as "Tower Ridge Subdivision No. 2". In October of 2002, the City Council approved a rezoning request to change the zoning designation of Tower Ridge Subdivision No. 2 from Office Commercial District to General Commercial District.

On October 30, 2006, the City Council approved two rezoning requests (File #06RZ029 and #06RZ030) to change the zoning designation on portions of the property located directly east of "Tower Ridge Subdivision No. 2", or 1.634 acres and 2.336 acres, respectively, from Office Commercial to General Commercial.

The property is located in the northeast corner of the intersection of U. S. Highway 16 and Catron Boulevard and is currently void of any structural development.

STAFF REVIEW:

The applicant had originally requested that this item be continued in order for additional information to be submitted for review and approval. **As noted above, on February 8, 2008, the applicant submitted revised construction plans and reports and a revised plat document for an associated Preliminary Plat application. In addition, the applicant submitted an Initial Commercial Development Plan to allow a Wal-Mart Supercenter to be constructed on 23.0242 acres, which includes this property.**

The adopted Comprehensive Plan is a framework within which development and rezoning proposals are measured and evaluated. The plan is intended to guide the orderly growth of the community. In order for the plans to remain viable and to keep pace with a changing market place, periodic adjustments to reflect changing conditions will be required.

Staff has reviewed this proposed comprehensive plan amendment for conformance with the six criteria for review of comprehensive plan amendments established in Section 2.60.160(D). A summary of Staff findings are outlined below:

1. *Whether the proposed change is consistent with the policies and overall intent of the comprehensive plan.*

One of the adopted goals of the Future Land Use Plan is to encourage compact and contiguous growth within the City that is linked to orderly extension and efficient use of public improvements, infrastructure, and services. Full utilization of properties currently served by infrastructure is encouraged. The purpose of the General

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Commercial District as stated in the Zoning Ordinance is to provide for personal and business services and the general retail business of the City. The location of the property in close proximity to the intersection of two major arterial roadways makes it a desirable location for general commercial activities serving the general retail business needs of the community. As a part of the previous platting, City sewer and water as well as a commercial street have been extended into the area. This change is consistent with the intent of the City's Comprehensive Plan to encourage the orderly extension of contiguous growth and enhance the economic base of Rapid City.

2. *Whether the proposed change is warranted by changed conditions within the neighborhood surrounding and including the property.*

There does not appear to be substantially changed or changing conditions within this area. As noted above, the property located south and west of the property, known as "Tower Ridge Subdivision No. 2", was rezoned from Office Commercial District to General Commercial District in 2002. In addition, on October 30, 2006, the City Council approved two rezoning requests to change the zoning designation on a 2.336 acre parcel and a 1.634 acre parcel located south and directly west of this property from Office Commercial District to General Commercial District. In 2003, Preliminary and Final Plat(s) were approved creating 12 commercial lots known as "Tower Ridge Subdivision No. 2". As noted above, City sewer and water as well as a commercial street have been extended into the area.

3. *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land.*

An approximate 70 foot deep ravine located along the east lot line of the property separates the property from the existing and proposed residential development(s) located east of the property. The topographic differential between the properties serves as a separation and buffer between land use(s). In addition, the site plan submitted with the Initial Planned Commercial Development shows this area of the development to be used for the construction of a retaining wall, a row of parking spaces and a landscaping buffer area. As such, staff does not find that rezoning this small area will result in significant adverse impacts if developed in conjunction with the associated Commercial Development Plan. In addition, City water and sewer have been extended into the area as a part of the development of Tower Ridge Subdivision No. 2. The additional review provided by the Commercial Development Plan process will insure that adequate water and sewer is available to meet the needs of the specific proposed commercial use. In addition, the Planned Commercial Development review will address traffic, lighting, noise, visual impact, signage, landscaping, parking, street improvements, water distribution, sanitary sewer, wildland fire mitigation, flood plain, wetlands, traffic concerns and topographic and drainage concerns specific to the property. The proposed amendment to change the land use from Park Forest to General Commercial with a Planned Commercial Development appears to be compatible with the uses on adjacent properties.

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4. Whether and the extent to which the proposed amendment would adversely effect the environment, services, facilities, and transportation.

City sewer and water have been extended into this area as a part of the development of Tower Ridge No. 2 Subdivision. In addition, the property is located along U.S. Highway 16, a principal arterial street. Changing the Future Land Use designation of the property, a 0.448 acre parcel, will create minimal additional traffic due to the size of the parcel. As such, staff has not identified any significant adverse impacts that will result from the requested Comprehensive Plan Amendment. The additional review provided by the Planned Commercial Development process will insure that adequate water and sewer is available to meet the needs of the specific proposed commercial use. In addition, the Planned Commercial Development review will address traffic, lighting, noise, visual impact, signage, landscaping, parking, street improvements, water distribution, sanitary sewer, wildland fire mitigation, flood plain, wetlands, traffic concerns and topographic and drainage concerns specific to the property. The proposed amendment does not appear to have any significant adverse effect on the area.

5. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

As noted above, the properties located north, south and west of the property are currently zoned General Commercial District. In particular, approximately 68 acres located directly west and south of this parcel are currently zoned General Commercial District with a Planned Development Designation and are identified on the Future Land Use Plan as appropriate for General Commercial uses with an Initial and Final Planned Commercial Development. This proposed Rezoning request, an oblong triangular sliver measuring approximately 590 feet in length by 33 feet in width and consisting of 0.448 acres, is located along the eastern portion of the existing General Commercial Zoning District. The proposed amendment will allow for the continuation of the established general commercial development pattern. In addition, the 70 foot deep ravine located along the east lot line of the property serves as a buffer between the commercial use(s) and the existing and proposed residential development(s) located east of the property resulting in a logical and orderly development pattern.

6. Whether and the extent to which the proposed amendment adversely affects any other part of the city, or creates any direct or indirect adverse effects.

Staff has not identified any significant adverse effects that the Comprehensive Plan Amendment for this small area will have on the surrounding area or on the City with the protections provided by the Planned Commercial Development. As noted above, an approximate 70 foot deep ravine separates the property from the existing and proposed residential development(s) located east of the property. In addition, the properties located directly north, south and west of the property are currently zoned

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General Commercial District. The topographic differential between the commercial properties and the residential properties serves as a separation and buffer between land use(s).

Legal Notification Requirement: The receipts from the certified mailings have been returned and the sign has been posted on the property. Staff has received several calls of inquiry regarding this item.