

STAFF REPORT
October 27, 2005

No. 05RZ047 - Rezoning from General Agriculture District to General Commercial District **ITEM 33**

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 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 west 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 712.71 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 629.95 feet, to the northwest 1/16th corner of Section 35; Thence, second course: S00°00'00"W, along the west 1/16th line of Section 35, a distance of 563.43 feet; Thence, third course: N83°15'19"W, a distance of 627.59 feet; Thence, fourth course: S06°44'41"W, a distance of 82.18 feet; Thence, fifth course: southwesterly, curving to the right on a curve with a radius of 182.00 feet, a delta angle of 53°16'41", a length of 169.24 feet, a chord bearing of S33°23'02"W, and chord distance of 163.21 feet; Thence, sixth course: S60°01'22"W, a distance of 91.24 feet; Thence, seventh course: N26°24'04"W, a distance of 5.31 feet; Thence, eighth course: northwesterly, curving to the left on a curve with a radius of 581.20 feet, a delta angle of 56°52'25", a length of 576.91 feet, a chord bearing of N56°38'32"W, and chord distance of 553.52 feet, to a point on the easterly edge of South Dakota South Highway 16 right-of-way; Thence, ninth course: N06°38'59"E, along the easterly edge of said right-of-way, a distance of 455.72 feet, to a point on the north 1/16th line of Section 35; Thence, tenth course: N06°40'09"E, along the easterly edge of said right-of-way, a distance of 753.66 feet; Thence, eleventh course: S83°15'19"E, a distance of 1134.04 feet, to the point of beginning. Said parcel contains 1,501,498 square feet or 34.470 acres more or less.

PARCEL ACREAGE Approximately 34.47 acres

LOCATION Near the intersection of S.D. South Highway 16 and

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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 (Pennington County)

 West: 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 **December 8, 2005 Planning Commission meeting at the applicant's request.**

GENERAL COMMENTS:

(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 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

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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.