

STAFF REPORT
January 5, 2006

No. 05RZ047 - Rezoning from General Agriculture District to General Commercial District **ITEM 41**

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 tract of land located in Sections 34 and 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ inch pipe, thence S00°02'58"E along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: S00°02'58"E along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second course: S00°02'58"E along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 1326.32 feet to a 5/8" rebar w/cap "4225" which is the west Section $\frac{1}{4}$ corner of Section 35, T1N, R7E, BHM; Thence fourth course: S89°42'51"W, a distance of 104.64 feet along the east-west Section $\frac{1}{4}$ line of Section 34, T1N, R7E, BHM to a 5/8" rebar w/cap "4225" located on the east right of way line of South Dakota Highway 16 and the beginning of a nontangent curve, concave to the northwest, having a radius of 2492.00 feet, a delta angle of 15°55'17", a chord bearing of N15°16'33"E, and a chord length of 690.25 feet; Thence fifth course: Northeasterly along said curve and the east right of way of South Dakota Highway 16, through an angle of 15°55'17", and an arc length of 692.47 feet to a 5/8" rebar w/cap "4225" which is the beginning of a nontangent line; Thence sixth course: N82°41'04"W along the east right of way of South Dakota Highway 16, a distance of 50.00 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 658.85 feet to a 5/8" rebar w/cap "4225"; Thence eighth course: N07°18'56"E, along the east right of way

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line of South Dakota Highway 16, a distance of 598.55 feet; Thence ninth course: S83°18'29"E a distance of 1144.76 feet to the Point of Beginning, all located in the W½ of the NW¼ of Section 35, T1N, R7E, BHM, and in the SE¼ of the NE¼ of Section 34, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 53.717 acres, more or less.

PARCEL ACREAGE	Approximately 53.717 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 (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 **approved in conjunction with the Initial Planned Commercial Development for the 45.770 acres located north of the new Sammis Trail right-of-way legally described as a tract of land located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the NW¼ of NW¼ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a ½ inch pipe, thence S00°02'58"E along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: S00°02'58"E along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the NW¼ of NW¼ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second course: S00°02'58"E along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the SW¼ of NW¼ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section ¼ line of same Section 35, a distance**

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of 626.98 feet to a point on the south edge of proposed Sammis Trail and the beginning of a nontangent curve, concave to the northeast, having a radius of 427.00 feet, a delta angle of 23°34'48", a chord bearing of N37°36'06"W, and a chord length of 174.49 feet; Thence fourth course: Northwesterly along said curve and the south edge of proposed Sammis Trail, through an angle of 23°34'48", and an arc length of 175.73 to the beginning of a tangent line; Thence fifth course: N25°48'42"W, along the south edge of proposed Sammis Trail, a distance of 414.39 feet to the beginning of a tangent curve, concave to the southwest, having a radius of 481.20 feet, a delta angle of 56°52'22", a chord bearing of N54°14'53"W, and a chord length of 458.28 feet; to the beginning of a nontangent line and the east right of way line of South Dakota Highway 16; Thence sixth course: N07°18'56"E, along the east right of way line of South Dakota Highway 16, a distance of 557.85 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 598.55 feet; Thence eighth course: S83°18'29"E a distance of 1144.76 feet to the Point of Beginning, all located in the W½ of the NW¼ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 45.770 acres, more or less;

and, the Planned Development Designation for the 7.947 acres located south of the new Sammis Trail right-of-way legally described as a parcel of land located in Sections 34 and 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: COMMENCING at the southeast corner of the SW1/4 of NW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a rebar w/cap "4225", thence N89°24'46"W along the section 1/4 line, a distance of 626.98 feet to the Point of Beginning; THENCE FIRST COURSE: N89°24'46"W along the east-west Section ¼ line of same Section 35, a distance of 699.34 feet to a 5/8" rebar w/cap "4225" which is the west Section ¼ corner of Section 35, T1N, R7E, BHM; THENCE SECOND COURSE: S89°42'51"W, a distance of 104.64 feet along the east-west Section ¼ line of Section 34, T1N, R7E, BHM to a 5/8" rebar w/cap "4225" located on the east right of way line of South Dakota Highway 16 and the beginning of a nontangent curve, concave to the northwest, having a radius of 2492.00 feet, a delta angle of 15°55'17", a chord bearing of N15°16'33"E, and a chord length of 690.25 feet; THENCE THIRD COURSE: Northeasterly along said curve and the east right of way of South Dakota Highway 16, through an angle of 15°55'17", and an arc length of 692.47 feet to a 5/8" rebar w/cap "4225" which is the beginning of a nontangent line; THENCE FOURTH COURSE: N82°41'04"W along the east right of way of South Dakota Highway 16, a distance of 50.00 feet to a 5/8" rebar w/cap "4225; THENCE FIFTH COURSE: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 101.00 feet to a nontangent curve on the south edge of proposed Sammis Trail, concave to the southwest, having a radius of 481.20, a delta angle of 56°52'22", a chord bearing of S54°14'53"E, and a chord length of 458.28 feet; THENCE SIXTH COURSE: Southeasterly along said curve and the south edge of proposed Sammis Trail, through an angle of 56°52'22" and an arc length of 477.65 feet to the beginning of a tangent line; THENCE SEVENTH COURSE: S25°48'42"E along the south edge of proposed Sammis Trail, a distance of 414.39 feet to the beginning of a tangent curve, concave to the northeast, having a radius of 427.00 feet, a delta angle of 23°34'48", a chord bearing of S37°36'06"E, and a chord length of 174.49 feet; THENCE EIGHTH COURSE:

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Southeasterly along said curve and the south edge of proposed Sammis Trail, through an angle of 23°34'48" and an arc length of 175.73 feet to the Point of Beginning, all located in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 34, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 7.947 acres, more or less.

GENERAL COMMENTS:

(Update, December 26, 2005. All revised and/or added text is shown in bold print.) This item was continued at the December 8, 2005 Planning Commission meeting to allow the applicant to submit a correct legal description of the subject property and to submit additional information specific to the associated Layout Plat. On December 8, 2005, staff met with several of the applicant's representatives to discuss these outstanding issues. On December 12, 2005, the applicant submitted a revised Layout Plat, a revised conceptual landscaping plan and revised structural elevations of the proposed commercial building. In addition, on December 19, 2005, a revised traffic analysis was submitted for review and approval.

(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.)

As noted above, on December 12, 2005, the applicant submitted a revised Layout Plat expanding the boundaries to include the property located between the existing Sammis Trail right-of-way and the new Sammis Trail right-of-way. In particular, the revised Layout Plat identifies the subdivision of 53.17 acres into six commercial lots leaving a 59.75 acre unplatted balance. In addition, the applicant has submitted a Planned Development Designation application for 7.947 acres of the property located south of the new Sammis Trail right-of-way and a this revised Rezoning request to include the entire 53.17 acres. The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, water and sewer along U.S. Highway 16, to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the existing Sammis Trail and to install curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate additional right-of-way along the proposed access easement. In addition, the applicant has submitted an Initial Planned Commercial Development for the 45.77 acres located north of the new Sammis Trail right-of-way. In particular, the Initial Planned Commercial Development proposed to allow the construction of a 217,572 square foot "Wal-Mart Supercenter" to be located on proposed Lot 2. (See companion items #05PL129, 05PD077, 05PD090 and 05SV078.)

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:

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. A summary of Staff findings is outlined below:

- 1. The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in general.***

The property located approximately 810 feet north of the subject property and the property located directly west of the subject property are currently zoned General Commercial Development. In addition, both properties are part of Planned Commercial Development(s). The extension of municipal services to the area has changed conditions within the area to support the extension of commercial

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development. With the completion of Catron Boulevard to Sheridan Lake Road and the completion of 5th Street to Catron Boulevard, it is anticipated that this will be an area of the community that will experience continued growth and development in the immediate and foreseeable future. In addition, the proposed Initial Planned Commercial Development for the 45.770 acres located north of the new Sammis Trail right-of-way and the Planned Development Designation for the 7.947 acres located south of the new Sammis Trail right-of-way, will serve as tools to address traffic concerns and topographic and drainage concerns specific to the subject property. In addition, the property must be developed in compliance with the recently adopted U.S. Highway 16 Neighborhood Area Future Land Use Plan by meeting the following established goals:

- A. Create an attractive and inviting environment along the corridor.
- B. Incorporate consistent and appropriate design standards that unify the corridor and incorporate regional forms and materials in design elements.
- C. Incorporate a high level of craftsmanship, high quality materials and superior design in all corridor improvements.
- D. Preserve the existing vistas of prairie land to the east and the Black Hills to the west by maintaining openness along portions of the corridor by clustering structures and setting them back from the roadway.
- E. Protect the night skies through implementation of dark skies requirements.
- F. Develop an environment that is friendly and safe for pedestrians and bicyclists.

2. *The proposed zoning is consistent with the intent and purposes of this ordinance.*

According to the Zoning Ordinance, the General Commercial Zoning District is intended 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 make it a desirable location for general commercial activities serving the general retail business needs of the community. Further, U.S. Highway 16 is the major gateway between Rapid City and Mount Rushmore, making the area desirable for commercial activities to serve the traveling public.

3. *The proposed amendment will not adversely affect any other part of the City, nor shall any direct or indirect adverse effects result from such amendment.*

Staff does not believe that rezoning this property will result in any adverse impacts in conjunction with the associated Initial Planned Commercial Development and the Planned Development Designation. The additional review provided by a Planned Commercial Development process will insure that any possible adverse impacts are adequately mitigated as a part of the development of the site. In particular, the Planned Commercial Development must address traffic concerns and topographic and drainage concerns specific to the subject property. In addition, the property must be developed in compliance with the recently adopted U.S. Highway 16

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Neighborhood Area Future Land Use Plan as identified above. With the extension of City sewer and water and the proposed extension of these utilities specifically to the subject property, the proposed rezoning request is consistent with commercial development within the area.

- 4. The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

The U.S. Highway 16 Neighborhood Area Future Land Use Plan identifies the subject property as appropriate for general commercial use with a Planned Commercial Development. In particular, the U.S. Highway 16 Neighborhood Area Future Land Use Plan identifies that the the property must be developed to meet established goals as outlined above. The additional review provided by a Planned Commercial Development process will insure that these goals are being met. As such, the proposed rezoning request is consistent with the development plans for the City and does not conflict with the City's Major Street Plan or the community facilities plan.

Notification Requirement: As of this writing, the sign has not been posted on the property nor have the certified mailings been returned. Staff will notify the Planning Commission at the January 5, 2006 Planning Commission meeting if these requirements have not been met.