

STAFF REPORT  
September 20, 2007

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**No. 07RZ055 - Rezoning from No Use District to Neighborhood Commercial District**      **ITEM 18**

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GENERAL INFORMATION:

PETITIONER	CETEC Engineering Services, Inc. for OS Development
REQUEST	<b>No. 07RZ055 - Rezoning from No Use District to Neighborhood Commercial District</b>
EXISTING LEGAL DESCRIPTION	A tract of land located in the SE1/4 SE1/4 of Section 22, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the Southeast Corner of said Section 22, said point being monumented with an iron rod and aluminum cap stamped with the section numbers below the surface of the asphalt; Thence N88°27'49"W 33.00 feet along the South line of the SE1/4 SE1/4 of said Section 22 to the True Point of Beginning; Thence N88°27'49"W 336.56 feet along the South line of the SE1/4 SE1/4; Thence N02°02'59"E 672.03 to a point along the South line of the Bradeen Subdivision; Thence S87°56'54"E 337.08 along said South line to the southeast corner of the Bradeen Subdivision, said point being monumented with an iron rod; Thence S02°05'45"W 669.00 feet to the Point of Beginning, from which the South 1/4 corner of said Section 22 bears N88°27'49"W a distance of 2616.56 feet, said point being monumented with a brass cap and iron pipe
PARCEL ACREAGE	Approximately 5.18 acres
LOCATION	West of the intersection of Reservoir Road and Southside Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	No Use District
East:	Limited Agriculture District (Pennington County)
West:	No Use District
PUBLIC UTILITIES	To Be Extended
DATE OF APPLICATION	7/13/2007
REVIEWED BY	Jonathan Smith / Todd Peckosh

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RECOMMENDATION:

**Staff recommends that the Rezoning from No Use District to Neighborhood Commercial District be continued to the October 4, 2007 Planning Commission Meeting to allow the applicant time to submit additional information and revisions to the water system analysis for review and approval.**

GENERAL COMMENTS:

**(Update September 11, 2007. All revised text is shown in bold). On September 5, 2007 the applicant submitted for review and approval a water system analysis for the property to the Growth Management Department. Demonstrating that adequate water and sewer can be provided to such development is crucial because the City Council has noted in the past that adequate water and sewer must be provided to justify the rezoning of property. Staff has noted that additional information and revisions to the water system analysis is needed for approval. Staff recommends that this item be continued to the October 4, 2007 Planning Commission meeting to allow the applicant time to submit additional information and revisions to the water system analysis for review and approval.**

(Update August 24, 2007. All revised text is shown in bold). As of this writing staff has not received a water system analysis for review and approval. Staff recommends that this item be continued to the September 20, 2007 Planning Commission meeting to allow the applicant time to submit the water system analysis.

(Update August 13, 2007. All revised text shown in bold). On August 7, 2007 staff met with the applicant to discuss the proposed land uses of the Morningstar Subdivision property. Staff is recommending that the applicant submit the traffic impact study upon submittal of the Preliminary Plat application associated with the property. The applicant has indicated that a water system analysis is currently being prepared. As of this writing the applicant has not submitted the water system analysis.

Staff recommends that this item be continued to the September 6, 2007 Planning Commission meeting to allow the applicant time to submit the water system analysis for review and approval.

The applicant has submitted a request to rezone 5.18 acres from No Use District to Neighborhood Commercial District. The property was annexed (#07AN002) into the City on April 16, 2007. A Planned Development Designation (#07PD054) was approved on the property on July 30, 2007. A Layout Plat (#07PL047), which includes the property, was approved by Council on April 16, 2007.

The property is located approximately 3,000 feet south of the intersection of South Dakota Highway 44 and Reservoir Road on the west side of Reservoir Road. Currently the property is zoned No Use District and is void of any structural development. The adopted Comprehensive Plan identifies the property as being appropriate for agricultural uses. An associated Comprehensive Plan Amendment (#07CA035) to change the future land use designation from Agriculture to Neighborhood Commercial with a Planned Commercial Development has been

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submitted in conjunction with this rezoning request.

STAFF REVIEW:

Staff has reviewed this proposed rezoning for conformance with the four criteria for review of zoning map amendments established in Section 17.54.040(D)(1). A summary of Staff findings are outlined below:

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

The property has been annexed into the City limits and temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The Neighborhood Commercial District is intended to provide areas in which the principal use of land is devoted to the neighborhood store or group of stores serving the population in the immediate area. The property is located within an area that is currently undeveloped and was recently annexed. Reservoir Road, a principal arterial street, currently abuts and provides access to the property. Staff acknowledges that additional information (see below) is needed to determine if a Neighborhood Commercial Zoning District is an appropriate use for the property.

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 an amendment.*

Staff has noted that additional information is needed in order to complete the review of this rezoning request. The associated approved Layout Plat indicates that the proposed development identified as "Morningstar Subdivision" will consist of several land uses/zoning classifications including Neighborhood Commercial District, Low Density Residential District, Medium Density Residential District, High Density Residential District, and General Agriculture District. The Layout Plat identifies that 388 acres will be subdivided into 734 lots with 910 dwelling units.

Pennington County Highway Department staff has indicated that the proposed development will overwhelm the structure and traffic capacity for Reservoir Road. As such staff is recommending that the applicant submit a traffic analysis for review and approval.

As stated the applicant has indicated that this rezoning request is part of a development that includes 388 acres subdivided into 734 lots with 910 dwelling units. The City Council has noted in the past that adequate water and sewer must be provided to justify the rezoning of property. Of particular concern is the water supply to this development. The consultant is currently completing a water system analysis to determine if water can be provided from the line in South Dakota Highway 44 without negatively impacting the supply of water at the Rapid City Regional Airport. Staff recommends that this rezoning request be continued to

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allow that study to be completed and submitted for review and approval.

4. *The proposed amendments shall be consistent with and not conflict with the Development Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan, and Community Facilities Plan.*

The proposed rezoning to Neighborhood Commercial District currently conflicts with the Adopted Comprehensive Plan, which identifies this area as appropriate for General Agriculture Land Uses. A Comprehensive Plan Amendment (#07CA035) to change the future land use designation from Agriculture to Neighborhood Commercial District with a Planned Commercial Development has been filed in conjunction with this rezoning request. Reservoir Road, which abuts the property on the eastern boundary, is classified as a principal arterial street on the Major Street Plan. As noted above a traffic analysis is needed to verify that Reservoir Road has adequate capacity for a development of this size.

**LEGAL NOTIFICATION:**

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the August 9, 2007 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.