

STAFF REPORT
February 21, 2008

No. 07RZ043 - Rezoning from Park Forest District to General Commercial District **ITEM 39**

GENERAL INFORMATION:

PETITIONER/AGENT	Whittingham & Lestrangle, LPI
REQUEST	No. 07RZ043 - Rezoning from Park Forest District to General Commercial District
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

RECOMMENDATION:

Staff recommends that the Rezoning from Park Forest District to General Commercial District

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be approved in conjunction with the Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Park Forest to General Commercial with a Planned Commercial Development and in conjunction with an Initial Commercial Development Plan.

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 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

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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 Rezoning request 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 rezoning request be continued to the July 26, 2007 Planning Commission meeting as requested by the applicant.

The applicant has submitted a rezoning request to change the zoning designation on a 0.448 acre parcel, from Park Forest to General Commercial. In addition, 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 the 0.448 acre parcel. The applicant has also submitted a Planned Development application (File #07PD034) for the 0.448 acre parcel. In addition, the applicant has submitted a Preliminary Plat (File #07PL067) to subdivide 78.613 acres, including the 0.448 parcel, into eleven lots. In addition, the applicant has submitted a Variance to the Subdivision Regulations (File #07SV026) to waive the requirement to install 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.**

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On June 3, 2002, the City Council approved a rezoning request to change the zoning designation on a portion of the subject 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 subject 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 subject 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 subject 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.**

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.*

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, respectively, 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 a part of the platting, City sewer and water as well as a commercial street have been extended into the area. 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

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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 believe 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 to 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 concerns and topographic and drainage concerns specific to the property.

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, U.S. Highway 16 and Catron Boulevard, make it a desirable location for general commercial activities serving the general retail business needs of the community. Rezoning the small area from Park Forst District to General Commercial District to allow a slightly larger development area appears to be consistent with the intent of the ordinance.

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.*

As previously indicated, the 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 subject 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 believe 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.

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*

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use plan, community facilities plan, and others.

As noted above, the applicant has submitted a Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation of the small area from Park Forest to General Commercial with a Planned Commercial Development. If the Comprehensive Plan Amendment is approved, the Rezoning request will be consistent with the Land Use Plan. In addition, the proposed rezoning request does not conflict with the City's Major Street Plan.

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.