

STAFF REPORT
February 5, 2009

No. 08RZ035 - Rezoning from General Agriculture District to Office Commercial District

ITEM 3

GENERAL INFORMATION:

APPLICANT	Jim Mattern for Black Hills Corporation
AGENT	Robert A. Morcom for TSP Three, Inc.
PROPERTY OWNER	Black Hills Corporation
REQUEST	No. 08RZ035 - Rezoning from General Agriculture District to Office Commercial District
EXISTING LEGAL DESCRIPTION	The SW1/4 of the SW1/4, and that part of the NW1/4 of the SW1/4 lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 47.04 acres
LOCATION	South of Catron Boulevard and east of Tartan Court
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District (Pennington County)
East:	Highway Services District (Pennington County) - Suburban Residential District (Pennington County)
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/26/2008
REVIEWED BY	Vicki L. Fisher / Ted Johnson

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to Office Commercial District be **approved in conjunction with the Comprehensive Plan Amendment to the Future Land Use Plan and the Initial Commercial Development Plan.**

GENERAL COMMENTS:

(Update, January 23, 2009. All revised and/or added text is shown in bold print.) The applicant had previously requested that this item be continued to the February 5, 2009 Planning Commission meeting to allow a SDCL 11-6-19 Review (File #08SR098) to be reviewed and approved for the expansion of the substation located in the

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southeast corner of the property.

On January 22, 2009, the Planning Commission approved the SDCL 11-6-19 Review to expand the existing utility substation located on the property. Staff has subsequently reviewed this Rezoning request as outlined in the balance of this report.

(Update, January 9, 2009. All revised and/or added text is shown in bold print.) The applicant has requested that this item be continued to the February 5, 2009 Planning Commission meeting to allow a SDCL 11-6-19 Review to be reviewed and approved for the expansion of the substation located in the southeast corner of the property.

Staff is recommending that this item be continued to the February 5, 2009 Planning Commission meeting at the applicant's request.

(Update, December 5, 2008. All revised and/or added text is shown in bold print.) The applicant has requested that this item be continued to the January 22, 2009 Planning Commission meeting to allow them to submit additional information and to allow a SDCL 11-6-19 Review to be submitted for review and approval for the expansion of the substation located in the southeast corner of the property.

Staff is recommending that this item be continued to the January 22, 2009 Planning Commission meeting at the applicant's request.

(Update, November 21, 2008. All revised and/or added text is shown in bold print.) Staff met with the applicant and their consultant on November 20, 2008 to review the project and to discuss the outstanding issues. The applicant indicated that they will be submitting a revised site plan eliminating the day care and the parking lot from the southern portion of the property. The applicant also indicated that they will be conducting a neighborhood meeting to discuss the project on December 8, 2008. As such, the applicant is in concurrence with continuing this item to the December 18, 2008 Planning Commission meeting to allow them to submit additional and/or revised information and to review the neighborhoods concerns and comments regarding this project.

Staff is recommending that this item be continued to the December 18, 2008 Planning Commission meeting with the applicant's concurrence.

(Update, October 29, 2008. All revised and/or added text is shown in bold print.) This item was continued at the October 23, 2008 Planning Commission meeting to allow the applicant to submit a Traffic Impact Study for review and approval in order to determine if the proposed Comprehensive Plan Amendment to the Future Land Use Plan to allow Office Commercial with a Planned Commercial Development is appropriate at this location. The applicant has subsequently submitted a Traffic Impact Study. Staff has reviewed the document and has noted that the Traffic Impact Study must be revised to address the following items:

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1. Section 2.2 – Identify that the development is located in the US Highway 16 Neighborhood Area Future Land Use Plan not the South Robbinsdale Neighborhood Area Future Land Use Plan;
2. Section 3.4 – Revise the study to show that the Future Land Use plan for this area currently identifies the appropriate use of the property as a Planned Residential Development with a maximum density of 6.7 dwelling units per acre. In addition, the study must be revised to show the current zoning of the property as General Agricultural District;
3. Section 7.0 – The existing development on Tartan Court will utilize the new north-south collector street when Catron Boulevard is reconstructed. As such, the 2013 traffic volumes must reflect the existing development on Tartan Court;
4. Section 9.0 – The year 2025 traffic volumes do not reflect the build out of the area to the west and south of the proposed development that would access the new north-south collector street. As such, the traffic counts along the north-south collector street must be revised to include future traffic generated from the adjacent properties as per the adopted Future Land Use Plan;
5. Table 2 – Traffic counts for the call center must be included in the average daily trip counts;
6. Table 2 – The AM and PM peak hour trips for the call center may be reduced if a restriction is placed in the Planned Development to only allow shift work that does not coincide with the AM or PM peak hours. It may be more appropriate to determine the number of trips based on the square footage of the proposed office building to determine if the restriction to shift work is really necessary.
7. Table 2 – The trip rate used for the day care facility currently restricts the use of the day care facility to employees only. To allow flexibility in the future, it may be appropriate to use the standard day care trip rate. Otherwise, the Planned Development will be used as a tool to regulate usage of the day care facility;
8. Revise the report to include an intersection sight distance evaluation for the intersection of the north-south collector street and Catron Boulevard;
9. Revise the report to include a discussion of the Catron Boulevard crash history in the vicinity of the project site;
10. Revise the report to reference U.S. Highway 16 in lieu of Mount Rushmore Road; and,
11. Section 7.2 & Appendix C-The report cites Manual on Uniform Traffic Control Devices (MUTCD) as the basis for justifying the installation of a traffic signal at the proposed north-south collector street and Catron Boulevard intersection. In evaluating the need for a traffic signal, the MUTCD suggests that the traffic volumes used for evaluating the warrants be reduced for intersection approaches with exclusive right turn lanes. In an effort to standardize the methodology for quantifying the number of right turns that should be subtracted from the gross side street volumes, the National Cooperative Highway Research Program (NCHRP) developed a recommended practice that was included in their Report #457. Before a traffic signal is considered necessary, the report should include a discussion of the treatment of outbound right turning traffic and, if appropriate, the justification for not applying Report #457.

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Staff is recommending that the Rezoning request to change the land use designation from General Agriculture District to Office Commercial District be continued to the November 20, 2008 Planning Commission meeting to allow the applicant to revise the Traffic Impact Study as identified above.

The applicant has submitted a Rezoning request to change the zoning designation of the property from General Agriculture District to Office Commercial District. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Future Land Use Plan (File #08CA037) to change the land use designation from a Planned Residential Development with a maximum density of 6.7 dwelling units per acre to Office Commercial with a Planned Commercial Development.

The applicant has also submitted an Initial Commercial Development Plan (File #08PD054) to construct a customer call center, office campus, a day care facility and a recreational area on the property. The applicant has indicated that the development will be constructed in three phases and will be known as the "Black Hills Power Customer Call Center and Office Campus".

The property is located south of Catron Boulevard and east of Tartan Court. Currently, a utility substation, owned and operated by Black Hills Power, is located in the southeast corner of the property.

STAFF REVIEW:

Staff has reviewed the Rezoning request and has noted the following considerations:

Traffic Impact Study: The adopted Future Land Use Plan currently identifies the appropriate use of the 47 acres as a Planned Residential Development with a maximum density of 6.7 dwelling units per acre. Developing the 47 acre parcel with commercial use(s) will result in a significant increase in traffic. Staff had previously met with the applicant and indicated that a Traffic Impact Study must be submitted in conjunction with the proposed change in land use designation and with the Initial Planned Commercial Development applications to determine if commercial use(s) are appropriate at this location. Of particular concern is the traffic associated with the proposed use and the access onto U.S. Highway 16B (Catron Boulevard). This portion of U.S. Highway 16B is a high speed arterial highway and a designated truck route. Access to the site from U.S. Highway 16B is located on a steep hill. Several serious injury accidents including fatalities have occurred on the segment of U.S. Highway 16B between U.S. Highway 16B and South Dakota Highway 79. Due to the volume of traffic carried on this roadway and the existing accident history, significant care and consideration must be used in considering any proposed changes to the land use in the area. The Rapid City 2000 Plan for the Truck Route Area adopted in 1987 identified the future land use of the property as a Planned Residential Development. It also identified the need to limit access onto the truck route where ever possible.

To date, a Traffic Impact Study has not been submitted for review and approval. The applicant has indicated that a study is currently being completed and will be submitted in the near future. Staff is recommending that this item be continued to allow the applicant to

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submit the Traffic Impact Study for review and approval. This will ensure that all the information is available for the Planning Commission to make an informal recommendation to the City Council.

(Update: January 23, 2009) The Traffic Impact Study identifies that with improvements along Catron Boulevard and the access street located along the west side of the property, the existing and proposed street(s) will accommodate the traffic generated from the proposed use. Staff has subsequently 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 was annexed into the City limits on February 2, 2003. On March 17, 2003, the property was rezoned from No Use District to General Agriculture District to serve as a holding zone until such time as the property is developed. The on-going urbanization in the area and proposed Planned Commercial Development of the property are the changed or changing conditions within this area.

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

The purpose of the Office Commercial District as stated in the Zoning Ordinance is to "...provide for those types of institutional and commercial activities that require separate buildings and building groups surrounded by landscaped yards and open areas. Land, space and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods". The subject property is located along an arterial street providing good access to the property. In addition, a residential neighborhood exists north of the property, on the north side of Catron Boulevard. The Future Land Use Plan also identifies the appropriate use of the properties located south, west and east of this parcel as residential. The Initial and Final Planned Commercial Development will serve as a tool to address concerns specific to the land, space and aesthetic impact of this use to ensure that the use is desirable near the residential neighborhoods as per the intent of the Zoning 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.*

Rezoning the property to Office Commercial District could result in an increase in the intensity of use(s) and density of development on the property. As such, traffic, noise, drainage and aesthetic impacts could be generated by office commercial use(s) on the property. The Planned Commercial Development will serve as a tool to ensure these impacts are mitigated. In particular, street improvements will be required as needed to accommodate the traffic. Drainage improvements will also be required to ensure that on-site detention is provided as needed. In addition, buffering

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along the adjacent street(s) and between properties will be required in order to mitigate any nuisances. The structural design of any future buildings will also be reviewed to ensure that they are compatible with the area. The Initial and Final Commercial Development Plan will serve as a tool to mitigate any significant adverse effects that would result by rezoning the subject property from General Agriculture District to Office Commercial District.

- 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 City's Future Land Use Plan currently identifies the property as appropriate for a Planned Residential Development with a maximum of 6.7 dwelling units per acre. An application for a Comprehensive Plan Amendment to change the land use on the property to Office Commercial District with a Planned Commercial Development has been submitted for review and approval. If the Comprehensive Plan Amendment is approved, the proposed rezoning request will be consistent with the adopted plans.

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.

Staff is recommending that the Rezoning request be **approved in conjunction with the Comprehensive Plan Amendment to the Future Land Use Plan and the Initial Commercial Development Plan.**