

STAFF REPORT

June 29, 2000

**RZN #00RZ005 - Rezoning from Low Density Residential
and General Agriculture to Neighborhood Commercial**

ITEM 6

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc. for Rushmore Car Wash, Inc.
REQUEST	RZN #00RZ005 - Rezoning from Low Density Residential and General Agriculture to Neighborhood Commercial
LEGAL DESCRIPTION	Parcel B, beginning at point #1, a 5/8" rebar at the center of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, thence S 57 57'40" W, 1410.19 feet to point #2, the true point of beginning, thence S 63 35'34" E, 92.00 feet to point #3, thence S 26 28'20" W, 120.71 feet to point #4, thence S 63 33'21" E, 50.00 feet to point #5, thence S 26 24'26" W, 467.53 feet to point #6, thence N 63 35'34" W, 141.86 feet to point #7, thence N 26 24'26" E, 588.28 feet to point #2, the true point of beginning, this parcel containing 1.7775 acres
PARCEL ACREAGE	Approximately 1.7775 Acres
LOCATION	1,500 feet east of Sheridan Lake Road on Catron Boulevard
EXISTING ZONING	Low Density Residential - General Agriculture
SURROUNDING ZONING	
North:	Low Density Residential - General Agriculture
South:	General Agriculture
East:	Low Density Residential - General Agriculture
West:	Low Density Residential
PUBLIC UTILITIES	City sewer and water to be extended
REPORT BY	Vicki L. Fisher

RECOMMENDATION: **Staff recommends that the Rezoning from Low Density Residential and General Agriculture to Neighborhood Commercial for that portion of the request located south of Catron Boulevard be denied without prejudice.**

GENERAL COMMENTS: **Note: This Staff Report has been revised as of 6/17/00. All revised or added text is shown in bold print.** This request is submitted in conjunction with a proposed Planned Development Designation for the above legally described property. The

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property is located approximately 1,500 feet east of Sheridan Lake Road and is separated by Catron Boulevard. Approximately 3.671 acres of the area requested for rezoning is located north of Catron Boulevard with the remaining 1.7775 acres located south of Catron Boulevard. **On February 24, 2000, the Planning Commission approved the Rezoning from Low Density Residential to Neighborhood Commercial for that portion of the request located north of Catron Boulevard in conjunction with the associated Planned Development Designation. The Rezoning from Low Density Residential and General Agriculture to Neighborhood Commercial Development for that portion of the request located south of Catron Boulevard was continued to the March 23, 2000 Planning Commission meeting and again to the April 20, 2000 Planning Commission meeting to allow the applicant additional time to submit a Master Plan. At the April 20, 2000 Planning Commission meeting the request was continued to the May 25, 2000 Planning Commission meeting. Most recently, the rezoning request was continued to the June 29, 2000 Planning Commission meeting. To date, a Master Plan has not been submitted for review and approval.**

Staff is recommending that the proposed rezoning request on the 1.7775 acres located south of Catron Boulevard be continued to allow the applicant additional time to submit a Master Plan identifying the proposed interior road system. The Future Land Use Plan identifies the interior road as a collector road, whereas, the applicant's site plan identifies the road as a local road. Due to the size of the lot and the classification of the road, the rezoning of this property is predicated by the location of the road and its classification.

STAFF REVIEW: Staff has reviewed the rezoning request for the area located north of Catron Boulevard 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 is 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 subject property was previously identified as a part of the approved Autumn Hills Planned Residential Development which allowed residential development and some commercial development. The recent completion of Catron Boulevard has changed the conditions in the area. Several parcels of land with limited or no access now abut Catron Boulevard making development of the property feasible. As residential development grows along Catron Boulevard and the surrounding area, a need will be generated to develop neighborhood commercial uses to serve the residents within the area. The proposed request reflects the natural progression of the development in the area. The proposed rezoning in conjunction with the Planned Development Designation can address concerns relative to the infrastructure improvements, density and corridor protection.

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

The purpose of the Neighborhood Commercial Zoning District is "...to provide areas in which the principal use of land is devoted to the neighborhood store or group of stores serving the population of the immediate area." There is significant residential development located north of the subject property known as "Autumn Hills" and "Spring Brook Acres". All of the remaining surrounding properties are currently void of structural development. The Southwest Connector Future Land Use Plan identifies the vacant properties as a Planned Residential Development with a maximum of 4.8 dwelling units per acre with the exception of the pending Neighborhood Commercial Rezoning request located south of Catron Boulevard. The proposed rezoning will cater to the general needs and trade of the existing and future residential development along Catron Boulevard and the surrounding area. Staff believes that rezoning this property is consistent with the intent and purpose 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 an amendment.*

With the approval of the associated Planned Development Designation, many of the potential adverse effects of the requested rezoning can be mitigated. The Planned Commercial Development review will allow for the protection of existing and future residential development within the area as well as insuring that adequate public infrastructure is provided.

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 Southwest Connector Future Land Use Plan identifies two nodes of Neighborhood Commercial Zoning designations to be located on any two of the quadrants at the intersection of the Collector Street and Catron Boulevard. The subject property is located within the northeast quadrant of the identified Neighborhood Commercial designation. The applicant is also proposing to rezone an area south of Catron Boulevard; however as previously indicated, that portion of the rezoning request is being continued to allow the applicant additional time to submit a Master Plan clarifying which quadrant is being rezoned.

The Future Land Use Study Committee has acknowledged that "...the Southwest Connector (Catron Boulevard) will dramatically impact non-residential growth in the Southwest Connector Neighborhood Area. Planned Commercial Development Designations were included on parcels not already zoned as a General Commercial Zoning District to allow for creativity in site development and to address issues such as

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landscaping, sight distance, drainage, topography, traffic safety concerns, and to also minimize impacts the development may have on adjacent properties. Staff believes that adequate protection is available through the Planned Commercial Development to insure that the objectives of the Future Land Use Plan are met.

As previously indicated, Staff recommends that the Rezoning from Low Density Residential and General Agriculture to Neighborhood Commercial for that portion of the request located south of Catron Boulevard be denied without prejudice due to the petitioner's failure to submit a Master Plan and due to the number of times this item has been continued. Sufficient time has elapsed since the February 24, 2000 Planning Commission meeting to allow the petitioner a reasonable amount of time to submit the additional information. It's difficult for concerned area residents to continually attend Planning Commission and City Council meetings only to have the item continued to yet another meeting date. Denying this item without prejudice allows the petitioner to resubmit the request at a later date without paying the application fee again.