

STAFF REPORT

June 29, 2000

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**RZN #00RZ025 - Rezoning from No Use to General Commercial**

**ITEM 34**

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GENERAL INFORMATION:

PETITIONER	Centerline for Jan Gray
REQUEST	<b>RZN #00RZ025 - Rezoning from No Use to General Commercial</b>
LEGAL DESCRIPTION	Beginning at the northwest corner of Section 26, T1N, R7E, BHM, Thence N89°59'51"E, 2324.15 feet to Point 2, the True Point of Beginning, Thence S00°07'49"W, 1277.08 feet to Point 3, Thence on a left curve with R=2939.79 feet, ARC of 52.23 feet to Point 4, Thence S89°55'56"W, 642.31 feet to Point 5, Thence N26°41'05"E, 1483.66 feet to Point 2, the True Point of Beginning, This parcel containing 10.08 acres more or less
PARCEL ACREAGE	Approximately 10.08 Acres
LOCATION	On the east side of U.S. Highway 16, north of the Waterslide Park
EXISTING ZONING	No Use (City)
SURROUNDING ZONING	
North:	No Use (City)
South:	Low Density Residential (County)
East:	Low Density Residential (County)
West:	Low Density Residential (County)
PUBLIC UTILITIES	City sewer and water
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Rezoning from No Use to General Commercial be denied.

GENERAL COMMENTS: The applicant is seeking to rezone a 10.08 acre parcel from No Use to General Commercial. The applicant has also submitted an application requesting approval of a Planned Development Designation on the subject property. The property is located within the South Robbinsdale Future Land Use Plan area and is identified as a Planned Residential Development with a maximum of one dwelling unit per acre. The applicant is seeking to change the future land use designation from Planned Residential Development to General Commercial with a Planned Development Designation (see companion items).

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STAFF REVIEW: Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of 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.*

Staff has noted that the land uses and zoning in this portion of the community has remained relatively constant. Tucker Subdivision is located directly west and south of the subject property and Meadow View Subdivision is located directly east of the subject property. Both properties are located within Pennington County, outside of the incorporated City limits of Rapid City, and were zoned Low Density Residential District in 1989. The property to the north was annexed into the City in 1998 and is currently in the No Use Zoning District. The South Robbinsdale Future Land Use Plan identifies an appropriate land use for the annexed property as Planned Residential Development with a maximum of one dwelling unit per acre. In 1998, a Planned Residential Development was approved to allow 74 residential lots, an equestrian center and mini-storage units to be constructed south of the subject property, across Catron Boulevard. Staff believes that this rezoning request is not reflective of changes or changing conditions in this area.

In 1987, the South Truck By-Pass Plan was adopted identifying the appropriate land use for the subject property as Park Forest. In 1994, the South Robbinsdale Corridor Study was adopted identifying the appropriate land use for the property as residential. Most recently the Future Land Use Plan for the South Robbinsdale area was adopted on September 20, 1999. The South Robbinsdale Future Land Use Plan identifies the appropriate land use for the property as Planned Residential Development with a maximum of one dwelling unit per acre. There have not been any significant changes that warrant an amendment to the Plan to allow general commercial activities on the property. In addition, the surrounding zoning does not support that the adopted Comprehensive Plan be amended.

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

The purpose of the General Commercial Zoning District is to provide "...for personal and business services and the general retail business of the city." Staff does not believe that the subject property should function in that capacity. Commercially zoned properties are currently located at the intersection of U. S. Highway 16 and Catron Boulevard, approximately 1,950 feet west of the subject property. Staff does not believe that another general commercial area to cater to the general retail business of the City is needed at this location, particularly when consideration is given to the significant impacts that could affect the adjoining residences.

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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 is concerned that rezoning this property to General Commercial could result in adverse impacts to the surrounding residential area. As previously indicated, Tucker Subdivision and Meadow View Subdivision are located immediately adjacent to the subject property. In addition, Edinborough Subdivision, a 72 residential lot development, is located south of the property, across Catron Boulevard. The types of intense uses which are permitted in the General Commercial could generate noise, traffic, and light pollution impacts. These impacts could negatively affect the neighboring residential areas should this property be rezoned to General Commercial.

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.*

As previously indicated, the subject property is identified as being appropriate for a Planned Residential Development with a maximum of one dwelling unit per acre on the adopted South Robbinsdale Future Land Use Plan. The plan was adopted by City Council on September 20, 1999, after much citizen participation. The proposed rezoning request was discussed with the Future Land Use Committee at their June 9, 2000 meeting. The Committee expressed concern with the negative impact the general commercial activity may have on the residential properties located adjacent to the property. The Committee also expressed concern with the amount of traffic that the general commercial use may generate and the limited access the property has to Catron Boulevard. In addition, the Committee indicated that the topography may impair the potential for constructing a frontage road to carry the commercial traffic. The South Robbinsdale Future Land Use Plan identifies nodes of commercial zoning districts to be located along collector and arterial road intersections: U. S. Highway 16 and Catron Boulevard, S. D. Highway 79 and Catron Boulevard and 5<sup>th</sup> Street and Catron Boulevard. As previously indicated, the subject property is located approximately 1,950 feet east of the U. S., Highway 16 and Catron Boulevard intersection, well outside of the designated commercial areas.

Staff has reviewed this request with respect to the criteria established for Zoning Map Amendments and is recommending denial of the request based upon lack of compliance with the criteria.

As of this writing, the receipts from the certified mailings have not been returned. The Rezone sign has been posted on the property. Staff has not received any calls or inquires regarding this proposal.

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