

STAFF REPORT

August 10, 2000

RZN #00RZ031 - Rezoning from No Use to General Commercial

ITEM 24

GENERAL INFORMATION:

PETITIONER	Robert Powles for 16 Plus, LLC
REQUEST	RZN #00RZ031 - Rezoning from No Use to General Commercial
LEGAL DESCRIPTION	Commencing at the Section Corner common to Sections 26, 27, 34 and 35 in T1N, R7E, BHM, Pennington County, South Dakota, thence S89 53'52"W, a distance of 33 feet, thence south, a distance of 109.68 feet, thence S07 20'00"W, a distance of 302.86 feet, to the point of beginning; THENCE FIRST COURSE: S89 53'52"W, a distance of 428.80 feet; THENCE SECOND COURSE: S07 53'52" W, a distance of 178.06 feet; THENCE THIRD COURSE: S26 53'52"W, a distance of 1037.81 feet; THENCE FOURTH COURSE: N89 47'30"W, a distance of 328.72 feet; THENCE FIFTH COURSE: S00 12'30"W, a distance of 1156.026 feet; THENCE SIXTH COURSE: N89 10'07"E, a distance of 22.59 feet; THENCE SEVENTH COURSE: N00 05'19"E, a distance of 306.95 feet; THENCE EIGHTH COURSE: S89 05'00"E, a distance of 880.12 feet; to a point on a nontangent curve concave to the east, having a radius of 2092.00 feet through which a radial line bears N13 32'48"E; THENCE NINTH COURSE: northeasterly along said curve, through an angle of 12 25'36", a distance of 453.73 feet; THENCE TENTH COURSE: S82 40' E, a distance of 50 feet; THENCE ELEVENTH COURSE: N07 20'00"E, a distance of 1543.08 feet; to the point of beginning, said parcel contains 34.836 acres, more or less, all located in the E1/2 of the NE1/4 of Section 34, T1N, R7E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 34.836 Acres
LOCATION	Approximately .6 miles south of the intersection of Catron Boulevard and U.S. Highway 16, on the west side
EXISTING ZONING	No Use
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	Highway Service (County)

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ITEM 24

East: Highway Service (County)
West: Highway Service (County)

PUBLIC UTILITIES

REPORT BY Marcia Elkins

RECOMMENDATION: Staff recommends that the Rezoning from No Use to General Commercial be approved in conjunction with the Planned Development Designation.

GENERAL COMMENTS: Earlier this year the Planning Commission considered this rezoning request and recommended approval of the rezoning in conjunction with the Planned Development Designation. The City Council concurred and approved the requested rezoning and Planned Development Designation. However, following Council action the staff became aware that the legal description provided by the applicants contained an error and would not close. As a result, the applicants submitted corrected legal descriptions which have been advertised. The balance of this report remains as previously distributed to the Planning Commission as staff is unaware of any substantive changes.

The applicant has submitted this rezoning request to rezone a thirty-five acre parcel of land to the General Commercial Zoning District. The applicant has submitted this rezoning request as part of a proposal to annex and rezone a larger undeveloped area on the west side of U.S. Highway 16 and located to the north and south of the new Moon Meadows Drive. The property is currently located in Pennington County but is adjacent to the City limits. The total size of the property to be annexed is approximately sixty-two acres. In addition to General Commercial Zoning District, the applicant is proposing Light Industrial and Medium Density Residential Zoning for the balance of the sixty-two acre parcel (see related exhibits and Staff Reports).

STAFF REVIEW: Staff has evaluated this rezoning request with respect to the four criteria established 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.*

Staff believes this criterion is being met. The City in general, and the U.S. Highway 16 South corridor in particular, have seen increasing growth in recent years. The construction of Catron Boulevard and the extension of city services will only further this trend.

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

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According to Section 17.18.010 of 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." U.S. Highway 16 South and Moon Meadows Drive are major traffic arterials providing ready access to this property. For this reason and reasons cited above, Staff believes this criterion is being met.

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 does not believe any adverse impacts will occur provided a Planned Development Designation or Planned Commercial Development is approved in conjunction with the rezoning. Staff has noted that the City in recent years has increasingly used Planned Developments along adjacent portions of the U.S. Highway 16 corridor as a means of more effectively regulating issues such as drainage, access and aesthetics. In the case of this rezoning request, the Engineering Division has noted there are special drainage concerns related to development in the Arrowhead Drainage Basin. Additionally, the South Dakota Department of Transportation has commented that no additional approaches with U.S. Highway 16 should be allowed. Towards this end, the Future Land Use Committee has indicated that the rezoning to General Commercial should be supported only if a Planned Development Designation or a Planned Commercial Development is approved in conjunction with the rezoning.

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.*

A Layout Plat was approved for the subject property in 1998. The master plan included with this Layout Plat proposed the new alignment of Moon Meadows Drive in addition to the creation of a rearage road paralleling U.S. Highway 16. The master plan also proposed future zoning classifications. Staff has noted that there appear to be some discrepancies between the 1998 master plan and the current proposal. The location of the rearage road approved in 1998 does not correspond to the boundary of the area included in the current General Commercial Zoning request. However, based upon new information recently submitted by the applicant, this rezoning will result in a two hundred foot (200') wide strip of General Commercial zoned land located on the west side of the revised rearage road location. Staff believes this depth of commercial zoning is appropriate.

Staff has found this rezoning request to be in compliance with the criteria for Zoning Map Amendments provided it is approved in conjunction with a Planned Development Designation. **As of this date, staff has not received green cards documenting that the required notices have been sent to adjoining property owners. Staff will inform the Planning Commission if the green cards are not received prior to the Planning Commission hearing on this item.**