

STAFF REPORT

August 9, 2001

No. 01RZ038 - Rezoning from General Agriculture District to General Commercial District **ITEM 21**

GENERAL INFORMATION:

PETITIONER City of Rapid City

REQUEST **No. 01RZ038 - Rezoning from General Agriculture District to General Commercial District**

LEGAL DESCRIPTION A parcel of land located in Tract "A" of Tract 1 of the W1/2SW1/4 of Section 23, T.1N., R.7E., B.H.M., Pennington County, South Dakota; (as set out in Plat Book 11, Page 207 of the Pennington County Register of Deeds); More particularly describes as: Commencing at a point on the north boundary of Tract "A" which bears S89°59'13"E a distance of 527.28 feet from the Northwest Corner of Tract "A", being the POINT OF BEGINNING; Thence S89°59'13"E along said north boundary of Tract "A" a distance of 304.80 feet; Thence S07°23'08"W along the east boundary of Tract "A" a distance of 537.86; Thence N82°32'54"W along the north boundary of Lot E of the SW1/4SW1/4 of said Section 23 a distance of 301.67 feet; Thence N07°18'58"E a distance of 498.40 feet to the point of beginning. Containing 3.59 acres more or less

PARCEL ACREAGE Approximately 3.59 Acres

LOCATION North of Golden Eagle Drive and adjacent to old Marine Life

EXISTING ZONING General Agriculture District

SURROUNDING ZONING
North: Business Park District
South: General Commercial District
East: General Commercial District
West: General Agriculture District

PUBLIC UTILITIES To be extended

REPORT BY Lisa Seaman

RECOMMENDATION: **Staff recommends that the Rezoning from General Agriculture District to General Commercial District be approved.**

GENERAL COMMENTS: **This rezoning request was recommended for approval by**

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the Planning Commission on July 5, 2001. After the Planning Commission and City Council took action on this request, Staff identified an error in the required certified mailing. Due to this error, it is now necessary to advertise the request and once again take action on the rezoning request. The subject property is a portion of a 20 acre parcel owned by the City of Rapid City. A layout plat that was approved on March 19, 2001 by the City Council identified that the City is proposing to subdivide the 20 acre parcel into four lots. The subject property is identified as Parcel 2 on the attached site plan and is located adjacent to U.S. Highway 16 and directly north of the old Marine Life property that is currently being developed as a commercial property.

The applicant has submitted this request to rezone approximately 3.59 acres of the 20 acre parcel from General Agriculture Zoning District to General Commercial Zoning District. In addition to this rezoning request, the applicant has submitted a Planned Development Designation request.

STAFF REVIEW: Staff has reviewed the rezoning request with respect to the criteria established for zoning map amendments in Section 17.54.040(D)(1). A summary of staff findings are outlined below:

1. *The proposed amendment shall be necessary because of substantially changed or changing conditions of the area and districts affected or in the City in general.*

This rezoning is necessary because of changing conditions. As Rapid City has continued to grow, the South U.S. Highway 16 area has seen increasing growth and commercialization. The completion of Catron Boulevard has served to increase the commercial growth of this area. The proposed rezoning request is consistent with the changing conditions of the area.

2. *The proposed amendments shall be 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 believes that rezoning the subject property to General Commercial Zoning District as identified in the Future Land Use Plan is consistent with this stated purpose. The subject property is located adjacent to a major traffic arterial and in an area where other commercial properties are located.

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 that rezoning in accordance with the recommendations of the Future Land Use Plan will result in any adverse affects.

The property located directly north of a portion of the subject property is zoned Business Park. There is also some General Commercial zoning located on the opposite side of U.S.

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Highway 16. Due to the surrounding commercial land uses and zoning already in this area, Staff does not believe there will be any significant adverse impacts upon the neighborhood or City in general as a result of this Zoning. Furthermore, approval of the associated Planned Development Designation will help ensure that commercial development that does occur will not cause adverse impacts.

- 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 subject property is included in the Southwest Connector Neighborhood Future Land Use Plan and has been identified as General Commercial with a Planned Commercial Development in this plan.

Based on conformance with the criteria for review of zoning map amendments, Staff is recommending approval of the rezoning request.

The required rezoning sign has been posted on the property and the receipts from the certified mailing have been returned as of the writing of this staff report.