

STAFF REPORT

September 26, 2002

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**No. 02RZ037 - Rezoning from Office Commercial District to General Commercial District**

**ITEM 33**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 02RZ037 - Rezoning from Office Commercial District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Commencing at the Southeast corner of the Aladdin Heights subdivision; thence North 00°00'32" East a distance of 141.54 feet along the East line of the Aladdin Heights Subdivision to the Point of Beginning; continuing at the Point of Beginning; thence North 00°00'32" East a distance of 196.48 feet along the East line of the Aladdin Heights Subdivision; thence South 71°06'54" East a distance of 159.73 feet; thence South 46°14'08" West a distance of 209.31 feet; returning to the Point of Beginning, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .3409 acres
LOCATION	East of U.S. Highway 16 and 1/4 mile north of Catron Boulevard
EXISTING ZONING	Office Commercial District w/Planned Development Designation
SURROUNDING ZONING	
North:	Office Commercial District w/Planned Development Designation
South:	Office Commercial District w/Planned Development Designation
East:	Office Commercial District w/Planned Development Designation
West:	General Commercial District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	07/17/2002
REPORT BY	Vicki L. Fisher

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RECOMMENDATION:

Staff recommends that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the Comprehensive Plan Amendment.

General Information:

On July 12, 2002 the applicant submitted a rezoning request to change the zoning from Office Commercial District to General Commercial District on the above legally described property. On August 19, 2002, the City Council approved the request in conjunction with a Comprehensive Plan Amendment to change the future land use designation from Office Commercial with a Planned Commercial Development to General Commercial. In addition, the City Council approved a revocation request for that portion of a previously approved Planned Development Designation which included the subject property. (See companion items #02CA41 and #02PD019.) However, the legal description of the subject property, as submitted by the applicant, was incorrect. (The section, township and range information was not included in the legal description.) Staff has corrected the legal description and has brought the item back before the Planning Commission for review and approval.

The property is a part of a proposed 86 acre development to be known as "Tower Ridge". On June 3, 2002, the City Council approved several Rezoning requests, Planned Development Designation requests and Comprehensive Plan Amendments for the 86 acre development. On July 15, 2002, the City Council approved a Preliminary Plat for Phase One of the development. However, the lot lines as shown on the plat document do not coordinate with the previously approved Rezoning, Planned Development and Comprehensive Plan Amendment boundaries. As such, the applicant has submitted several Comprehensive Plan Amendments, Rezoning requests and Planned Development Designation requests for Phase One in order to align the above referenced boundaries with the proposed lot line(s) as shown on the plat document.

The subject property is part of proposed Lot 3 of the Tower Ridge Development. The eastern one-third of the property is currently zoned Office Commercial District with a Planned Development Designation. The balance of the lot is zoned General Commercial District. The applicant is proposing to rezone the property and revoke a portion of the existing Planned Development Designation as identified in order to bring conformity to the zoning and future development of the proposed lot.

STAFF REVIEW:

Staff has 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 located north and east of the subject property is currently zoned General Commercial District and was the previous site of the "Flea Market", a public second hand

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and retail outlet. The extension of municipal services to the area and the completion of Catron Boulevard, a significant east-west arterial connection located approximately 1/4 mile south of the subject property, have changed conditions within the area to support the extension of commercial development. With the completion of Catron Boulevard, it is anticipated that this will be an area of the community that will experience continued growth and development in the immediate and foreseeable future.

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

According to 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. The location of the property in close proximity to the intersection of two major arterial roadways make it a desirable location for general commercial activities serving the general retail business needs of the community. Further, U.S. Highway 16 is the major gateway between Rapid City and Mount Rushmore, making the area desirable for commercial activities to serve the traveling public.

- 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 does not believe that rezoning this property will result in any adverse impacts in conjunction with the associated Planned Development Designation. With the extension of City sewer and water to the area, the proposed rezoning request is consistent with commercial development within the area.

- 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 applicant has submitted a Comprehensive Plan Amendment to change the future land use designation on the subject property from Office Commercial with a Planned Commercial Development to General Commercial. The South Robbinsdale Neighborhood Future Land Use Plan identifies the appropriate land use for the properties located directly north and west of the subject property as General Commercial. The location of this request is a continuation of the general commercial use(s) located adjacent to the subject property. Staff is recommending that the Comprehensive Plan Amendment be approved in conjunction with this Rezoning request in order to maintain conformity with the City's adopted plans.

As of this writing, the receipts from the certified mailing have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the September 26, 2002 Planning Commission meeting if these requirements have not been met. Staff has not received any calls or inquiries regarding this proposal.