

STAFF REPORT

September 26, 2002

No. 02RZ040 - Rezoning from Office Commercial District to General Commercial District

ITEM 36

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 02RZ040 - Rezoning from Office Commercial District to General Commercial District
EXISTING LEGAL DESCRIPTION	Commencing at the Southeast corner of Aladdin Heights Subdivision; thence South 89°58'27" West a distance of 179.88 feet along the south line of Aladdin Heights Subdivision to the Point of Beginning; continuing at the Point of Beginning; thence South 07°20'48" West a distance of 460.81 feet; thence North 62°14'17" West a distance of 8.95 feet; thence North 51°24'29" West a distance of 48.67 feet; thence North 07°20'48" East a distance of 426.02 feet to the South line of Aladdin Heights Subdivision; thence 89°58'27" East a distance of 50.41 feet along the South line of the Aladdin Heights Subdivision; returning to the Point of Beginning, located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.5099 acres
LOCATION	East of Highway 16 and 1/4 mile north of Catron Boulevard
EXISTING ZONING	Office Commercial District w/PDD and General Commercial District w/PDD and General Commercial District
SURROUNDING ZONING	
North:	General Commercial District
South:	General Commercial District w/Planned Development Designation
East:	Office Commercial District w/Planned Development Designation
West:	General Commercial District w/Planned Development Designation
PUBLIC UTILITIES	To be extended

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DATE OF APPLICATION 07/17/2002

REPORT BY Vicki L. Fisher

RECOMMENDATION:

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

GENERAL COMMENTS:

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 with a Planned Commercial Development. (See companion item #02CA43.) 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. In particular, the subject property was rezoned from General Agriculture District to Office Commercial with a Planned Development Designation. 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.

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

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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. In addition, the existing Planned Development Designation will serve as a tool to address the issues, traffic concerns and topographic and drainage concerns specific to the subject property.

- 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. The additional review provided by a Planned Residential Development process will insure that any possible adverse impacts are adequately mitigated as a part of the development of the site. 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.*

The primary reason for the previously approved Planned Development Designation was the potential access concerns and the location of the property at a major entrance into the community. The Planned Development Designation officially identifies this property as a future Planned Commercial Development. As such, any development of the site must comply with the above referenced adopted City plans.