

STAFF REPORT

May 22, 2003

No. 03RZ018 - Rezoning from No Use District to General Commercial District **ITEM 21**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 03RZ018 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	A parcel of land located in a portion of the NW1/4 NW1/4 of Section 34 and a portion of the SW1/4 SW1/4 of Section 27, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Southeast corner of the N1/2 NW1/4 of said Section 34, thence N89°52'24"W, along the south line of said N1/2 NW1/4, 1824.64 feet to the True Point of Beginning; thence continuing along said south line, N89°52'24"W, 701.63 feet to a point lying on the easterly right-of-way line of North Elk Vale Road; thence N00°01'02"W along said easterly right-of-way line, 1501.22 feet to a point lying on a curve concave to the Northwest and whose chord bears N71°37'58"E, 744.25 feet; thence easterly along the arc of said curve to the left whose radius is 5829.58 feet and whose central angle is 07°19'11", an arc length of 744.76 feet to a point on said curve; thence S00°08'25"W, 1737.30 feet to the True Point of Beginning
PARCEL ACREAGE	Approximately 26.029 acres
LOCATION	East of North Elk Vale Road on Columbia Boulevard
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District
South:	County
East:	County
West:	General Commercial District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	04/25/2003
REPORT BY	Vicki L. Fisher

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RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to General Commercial District be approved.

GENERAL COMMENTS:

The applicant has submitted a request to change the zoning from No Use District to General Commercial District on the above legally described property. The applicant has also submitted a Preliminary and Final Plat to subdivide a portion of the subject property into five commercial lots. In addition, the applicant has submitted a Variance to the Subdivision to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and water along Elk Vale Road as it abuts a portion of the subject property. (See companion items #03SV019 and 03RZ018.)

On February 3, 2003, the City Council acknowledged the applicant's request to withdraw a Layout Plat subdividing approximately 121 acres into 16 commercial lots. The Layout Plat included the subject property.

The property is located south of I-90 on the east side of Elk Vale Road and is currently void of any structural development.

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 was annexed into the City limits on February 9, 2003 and subsequently zoned No Use District. As such, the property must be rezoned within 180 days of the annexation. The proposed extension of City sewer and water services to the subject property will change the conditions within the area to support the extension of commercial development. In addition, Elk Vale Road, a principal arterial street as classified on the City's Major Street Plan, is located west of the subject property. Interstate 90, an interstate highway is located north of the subject property. 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.*

The purpose of the General Commercial District as stated in the Zoning Ordinance is to "...provide for personal and business services and the general retail business of the City". The location of the property adjacent to a principal arterial street makes it a desirable location for general commercial activities serving the general retail business needs of the community. The subject property is also located adjacent to Interstate 90, a major gateway into Rapid City, making the area desirable for commercial activities to serve the traveling

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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. The proposed extension of municipal services to the area as well as the location of the site adjacent to the two major streets support commercial development.

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 Elk Vale Neighborhood Future Land Use Plan identifies the appropriate land use for the subject property as General Commercial. Staff finds this rezoning to be in general compliance with adopted plan(s).

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 May 22, 2003 Planning Commission meeting if these requirements have not been met. Staff has not received any calls or inquiries regarding this proposal.