

STAFF REPORT

December 4, 2003

No. 03RZ038 - Rezoning from No Use District to General Commercial District **ITEM 22**

GENERAL INFORMATION:

PETITIONER Renner and Sperlich Engineering Company for 16 Plus LLP

REQUEST **No. 03RZ038 - Rezoning from No Use District to General Commercial District**

EXISTING
LEGAL DESCRIPTION

A portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a

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distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less

PARCEL ACREAGE	Approximately 12 acres
LOCATION	Northwest of the intersection of U.S. Highway 16 and Moon Meadows Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Suburban Residential District/Highway Service District
South:	Medium Density Residential District/General Commercial District w/Planned Commercial Development
East:	General Agriculture District
West:	Suburban Residential District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	09/11/2003
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Commercial District be **approved in conjunction with a Planned Development Designation and the related Amendment to the Comprehensive Plan.**

GENERAL COMMENTS: **This staff report has been revised as of November 24, 2003. All revised and/or added text is shown in bold print.** The applicant is requesting to rezone approximately 12 acres located north of the intersection of U.S. Highway 16 and Moon Meadows Road. The property was annexed into the City limits in July 2000 and is zoned No Use District. The property located to the west is zoned Suburban Residential District by Pennington County. The property located to the north is zoned Suburban Residential District and Highway Service District by Pennington County. The property located to the east is zoned General Commercial District. The property located to the south is zoned Public District. U.S. Highway 16 lies adjacent to the eastern boundary of the property. An application for an Amendment to the Comprehensive Plan to change the future land use designation on **12** acres of property from General Agriculture to General Commercial with a Planned Commercial Development (03CA037) and from General Commercial to General Commercial with a Planned Commercial Development (03CA038) have been submitted in conjunction with this rezoning request.

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STAFF REVIEW: The applicant requested a meeting with the Future Land Use Committee to consider the change in land use from General Agriculture land use(s) to General Commercial land use(s) and the requested rezoning of the property from No Use District to General Commercial District. The Future Land Use Committee met on October 16, 2003.

Staff has reviewed this proposed rezoning for conformance with the four criteria for review of zoning map amendments established in Section 17.54.040(D)(1). A summary of Staff findings are 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.***

The subject property was voluntarily annexed into the City in July 2000. All annexed lands are temporarily placed in the No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The subject property is located south of property zoned Highway Service District by Pennington County and north of property zoned Public District. The Public District property was purchased by the United States Forest Service with future plans to consolidate a number of facilities at this location. U.S. Highway 16 lies adjacent to the property on the east boundary. Based on the location of the property adjacent to a principal arterial road and adjacent to property zoned commercial and public districts, General Commercial District is appropriate.

- 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.***

Development of general commercial uses adjacent to Highway Service District and Public District appears to be appropriate. However, there is residential property located west and north of the subject property. Therefore, it is appropriate to have a Planned Development Designation for the property, to serve as a tool to mitigate any adverse impacts of any future development on the subject property.

- 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.***

The Comprehensive Plan identifies the subject property as General Agriculture land use(s) and General Commercial land use(s). The proposed U.S. Highway 16 Corridor Study identifies the subject property as Medium Density Residential land use(s) and General Commercial land use(s). The applicant met with the Future Land Use Committee on October 16, 2003, to request an Amendment to the Comprehensive

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Plan. The Committee approved the Comprehensive Plan Amendment to change the land use on the entire parcel to General Commercial with a Planned Development Designation. Amendments to the Comprehensive Plan to change the land use on the subject property from Agriculture to General Commercial with a Planned Development Designation and from General Commercial to General Commercial with a Planned Development Designation have been submitted in conjunction with this rezoning. If the Comprehensive Plan Amendments are approved, the proposed use will be consistent with the adopted plan.

Based on conformance with the criteria for the review of zoning map amendments, Staff recommends that the request to rezone this property from No Use District to General Commercial District be approved in conjunction with a Planned Development Designation and the related Amendments to the Comprehensive Plan.

The required rezoning sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has not received any written comments or verbal questions concerning the proposed rezoning at the time of this writing.