

STAFF REPORT

March 25, 2004

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**No. 04RZ008 - Rezoning from No Use District to General Commercial District**      **ITEM 50**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 04RZ008 - Rezoning from No Use District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet to the true point of beginning; thence N00°02'25"E, 499.64 feet; thence S89°57'35"E, 200.00 feet; thence S00°02'25"W, 500.20 feet; thence N89°47'57"W, 200.00 feet to the true point of beginning containing 2.295 acres more or less
PARCEL ACREAGE	Approximately 2.295 acres
LOCATION	Along North Elk Vale Road
EXISTING ZONING	General Agriculture District (County)
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	Box Elder
East:	General Agriculture District (County)
West:	General Agriculture District (County)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	02/27/2004
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 Comprehensive Plan Amendment.

GENERAL COMMENTS: This undeveloped property contains approximately 2.295 acres and is located along the east boundary of North Elk Vale Road north of U.S. Interstate 90. The property is adjacent to the northeast boundary of Rapid City and the northwest boundary of Box Elder. Upon approval of the related annexation, this property will be designated as a No Use Zoning District.

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In addition to this Rezoning application, the applicant has submitted fifteen companion applications including: A Petition to Annex, Preliminary Plat, Subdivision Variance, four Rezoning applications, three Planned Development applications, and five Comprehensive Plan Amendments (See companion items: 04PL020, 04SV014, 04AN002, 04CA005, 04PD014, 04RZ009, 04CA006, 04PD015, 04RZ010, 04CA007, 04RZ011, 04CA008, 04RZ012, 04CA009, and 04PD016).

**STAFF REVIEW:** 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.*

A voluntary annexation of the subject property (04AN002) has been submitted in conjunction with this Rezoning application. 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.*

General Commercial Zoning District is intended to provide a place for personal and business services and the general retail business of the city. The subject property is located adjacent to North Elk Vale Road, a principal arterial road on the City's Major Street Plan. This area will likely serve the general business and the service needs of the adjacent property and the entire community. As future development occurs, concerns regarding traffic, drainage, lighting, landscaping, or other issues will be addressed through a Planned Commercial Development. An application for a Planned Development Designation (04PD014) has been submitted in conjunction with this Rezoning. Based on the location of the property adjacent to Elk Vale Road, rezoning the property General Commercial District appears to be 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.*

Staff is unaware of any significant adverse effects that will result from the proposed rezoning. The subject property is adjacent to North Elk Vale Road, a principal arterial road. Any traffic or roadway issues can be addressed through a Planned Commercial Development. As the property is located in the 100 year floodplain, any future development of the property will require compliance with Chapter 15.32, the flood area regulations of the City. The Planned Development Designation recommended as a stipulation of approval will provide additional protections for surrounding land uses.

4. *The proposed amendments shall be consistent with and not conflict with the Development*

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*Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan, and Community Facilities Plan.*

The Future Land Use Committee met on February 13, 2004 and recommended an Amendment to the Comprehensive Plan to change the land use on the subject property from General Agriculture land use to General Commercial land use with a Planned Commercial Development. If the related Amendment to the Comprehensive Plan (04CA005) is approved, rezoning this property from No Use District to General Commercial District with the related Planned Development Designation will be consistent with the adopted Comprehensive Plan.

As of this writing, the required rezoning sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the March 25, 2004 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.