

STAFF REPORT
December 9, 2004

No. 04RZ055 - Rezoning from General Agriculture District to Public District

ITEM 45

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04RZ055 - Rezoning from General Agriculture District to Public District
EXISTING LEGAL DESCRIPTION	Commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N04°24'10"E a distance of 1226.78 feet to the point of beginning; thence N60°48'44"W a distance of 152.49 feet; thence along the arc of a curve to the left whose radius points bears N60°58'31"W, having a radius of 330.00 feet, a central angle of 4°20'43" and an arc length of 25.03 feet; thence S60°48'44"E a distance of 95.30 feet; thence S89°40'51"E a distance of 634.83 feet; thence N78°01'29"E a distance of 97.70 feet; thence S89°42'24"E a distance of 105.65 feet; thence S84°42'24"E a distance of 179.38 feet; thence S54°42'24"E a distance of 249.16 feet; thence S83°15'56"E a distance of 602.37 feet; thence N27°29'45"E a distance of 202.66 feet; thence S62°31'55"E a distance of 153.59 feet; thence along the arc of a curve to the right whose radius points bears S27°28'05"W, having a radius of 909.00 feet, a central angle of 15°27'17" and an arc length of 245.19 feet; thence S42°55'22"W a distance of 233.48 feet; thence along the arc of a curve to the right whose radius points bears 47°04'38"W, having a radius of 400.00 feet, a central angle of 15°13'51" and an arc length of 106.33 feet; thence N59°06'14"W a distance of 479.65 feet; thence N83°15'56"W a distance of 396.62 feet; thence N54°42'24"W a distance of 248.48 feet; thence N84°42'24"W a distance of 163.80 feet; thence N89°42'24"W a distance of 99.09 feet; thence S80°17'36"W a distance of 119.51 feet; thence N89°40'51"W a distance of 578.09 feet to the point of beginning, containing an area of 5.1 acres, all located in the NW1/4 SE1/4, SW1/4 SE1/4, SE1/4 SE1/4, and NE1/4 SW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.1 acres
LOCATION	Northwest of Fifth Street and Catron Boulevard

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EXISTING ZONING General Agriculture District

SURROUNDING ZONING

North: General Agriculture District
South: General Agriculture District
East: General Agriculture District
West: General Agriculture District

PUBLIC UTILITIES To be extended

DATE OF APPLICATION 11/12/2004

REVIEWED BY Karen Bulman / Curt Huus

RECOMMENDATION: Staff recommends that the Rezoning from General Agriculture District to Public District be approved with the following stipulations:

1. Approval will be in conjunction with the related Amendment to the Comprehensive Plan.
2. Prior to the City Council approval, the applicant shall obtain approval of an approach permit for the construction of a full street intersection on Catron Boulevard west of 5th Street as shown on the concept plan.

GENERAL COMMENTS: This undeveloped property contains approximately 5.1 acres and is located at the northwest corner of Fifth Street and Catron Boulevard. The property was annexed in 1993 and zoned General Agriculture District. The property located north, south, east and west of the subject property is zoned General Agriculture District.

The subject property is a portion of a larger parcel that is proposed to be developed for residential and commercial uses. In conjunction with this rezoning from General Agriculture District to Public District, the applicant has submitted a request to Amend the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.26 acre parcel from General Commercial with a Planned Commercial Development to Public (04CA044), to change a 1.0 acre parcel from Office Commercial Development to Public (04CA045), to change a 1.05 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Public (04CA051), and to change a .06 acre parcel from Office Commercial with a Planned Commercial Development to Public (04CA058), in conjunction with this Rezoning from General Agriculture District to Public District.

In addition to this application for a Rezoning, the applicant has submitted seventeen requests for a Comprehensive Plan Amendment to change the future land use designation on several properties, seven additional rezoning requests and six Planned Development Designations.

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STAFF REVIEW: The Rapid City Comprehensive Plan indicates that this property is appropriate for Office Commercial with a Planned Commercial Development, General Commercial with a Planned Commercial Development and Planned Residential Development with 6.7 dwelling units per acre land uses. Comprehensive Plan Amendments to change the indicated land uses to Public land uses have been submitted and will be heard in conjunction with this Rezoning application. If the Comprehensive Plan Amendment for the area is approved, the land use for the subject property would then be appropriate for Public land uses and the rezoning of this property would be consistent with the adopted land use plan.

The Future Land Use Committee met on November 5, 2004 to review this application and based on the conceptual plan submitted, recommended approval.

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 is located in an area that is proposed for development in the future. Several rezoning and Comprehensive Plan Amendment applications accompany this request. The property has been zoned General Agriculture as a holding zone pending any future development of the area. The applicant has indicated that the property is now ready for development due to the location and visibility of the property.

This undeveloped property is generally located at the northwest corner of 5th Street and Catron Boulevard. The property owner has indicated that this small parcel will be included in a larger parcel that is shown on the conceptual plan to be residential and commercial uses. As indicated on the Master Plan, the subject property will be used as detention cells and drainage areas for the development of the larger parcel. Sewer and water are now available within 5th Street adjacent to the subject property. The extension of sewer and water into the subject property will allow continued development of the area and constitutes a further change in conditions of the area requiring rezoning of the property. Rapid City continues to grow in a southerly direction and contiguous development is encouraged.

However, the most significant changing condition is that the Department of Transportation has indicated support for an additional street intersection on Catron Boulevard west of 5th Street. Based on the provision of another full turning movement intersection, the Future Land Use Committee felt additional commercial and residential development is appropriate. As the justification for the proposed modification in land uses relies on the approval of the approach permit authorizing the new intersection, staff recommends that the applicant obtain approval of the approach permit prior to the approval of the rezoning by City Council.

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

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The Public Zoning District is established to provide for facilities which serve the general public that are operated by the United States of America, the state of South Dakota or any political subdivision which qualifies for exemption from property taxes or non profit organization. One of the uses permitted in this zoning district is storm water detention facilities. The location of the subject property is adjacent to undeveloped areas proposed for development. As part of the Master Plan for the area, the detention facilities and drainage areas will accommodate the runoff from the nearby developments.

- 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.*

The subject property is located adjacent to 5th Street and Catron Boulevard. With the approval of the Comprehensive Plan Amendment and the stipulation requiring approval of an approach permit for the new intersection from the Department of Transportation, staff is not aware of any adverse effects that would result from rezoning the subject property from General Agriculture District to Public District.

- 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 current Comprehensive Plan indicates that the subject property is appropriate for General Commercial with a Planned Commercial Development, Office Commercial with a Planned Commercial Development, and Planned Residential Development with 6.7 dwelling units per acre land uses. Applications for Amendments to the Comprehensive Plan have been submitted in conjunction with this rezoning to change the land uses to Public (04CA044, 04CA045, 04CA051, and 04CA058). The Future Land Use Committee met on November 5, 2004 and based on the conceptual plan submitted, recommended approval of the Comprehensive Plan Amendments. If the Amendments to the Comprehensive Plan are approved, this rezoning request will then be consistent with the City's Comprehensive Plan. The recent extension of 5th Street to Catron Boulevard and the extension of infrastructure within 5th Street will allow this area to be developed. As such, rezoning the subject property to allow for drainage and a detention pond within that developing area appears to be appropriate.

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 December 9, 2004 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.