

STAFF REPORT
November 10, 2005

No. 05RZ055 - Rezoning from Low Density Residential to General Commercial

ITEM 21

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 05RZ055 - Rezoning from Low Density Residential to General Commercial
EXISTING LEGAL DESCRIPTION	A Tract of land located in the NE1/4 SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: beginning at a point on the east/west 1/4 line of said Section 24 from which the center 1/4 corner of said Section 24 bears S89°48'44"E, a distance of 55.80 feet; thence N89°48'44"W a distance of 451.01 feet; thence S00°10'09"W a distance of 399.73 feet; thence S89°49'51"E a distance of 449.00 feet; thence N00°27'22"E a distance of 399.59 feet to the point of beginning: said Tract containing 4.13 acres more or less
PARCEL ACREAGE	Approximately 4.13 acres
LOCATION	Southeast corner of the intersection of Kathryn Avenue and Chief Drive
EXISTING ZONING	Low Density Residential District
SURROUNDING ZONING	
North:	Mobile Home Residential District
South:	General Commercial District (Planned Development Designation)
East:	General Commercial District (Planned Commercial Development)
West:	Low Density Residential District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/14/2005
REVIEWED BY	Karen Bulman / Emily Fisher

RECOMMENDATION:

Staff recommends that the Rezoning of a Tract of land located in the NE1/4 SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: beginning at a point on the east/west 1/4 line of said Section 24 from which the center 1/4 corner of said Section 24 bears S89°48'44"E, a distance of 55.80 feet; thence N89°48'44"W a

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distance of 451.01 feet; thence S00°10'09"W a distance of 399.73 feet; thence S89°49'51"E a distance of 449.00 feet; thence N00°27'22"E a distance of 399.59 feet to the point of beginning from Low Density Residential to General Commercial be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Development Designation.

GENERAL COMMENTS: This undeveloped property contains approximately 4.13 acres and is located at the northeast corner of Kathryn Avenue and Chief Drive and west of Haines Avenue. Land located north of the subject property is zoned Mobile Home Residential District. Land located west of the subject property is zoned Low Density Residential District. Land located south and east of the property is zoned General Commercial District with a Planned Commercial Development. Applications for an Amendment to the Comprehensive Plan to change the land use from Low Density Residential to General Commercial District (05CA039) and a Planned Development Designation (05PD073) have been submitted in conjunction with the Comprehensive Plan Amendment for the subject property. In addition, a Rezoning from Low Density Residential District to Medium Density Residential District (05RZ056) and an Amendment to the Comprehensive Plan to change the future land use designation from Low Density Residential to Medium Density Residential land uses (05CA040) have been submitted for the adjacent property located west of the subject property.

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.*

This undeveloped property is zoned Low Density Residential District and is located at the northeast corner of Kathryn Avenue and Chief Drive and adjacent to Haines Avenue. The subject property is located within an area that is developing as residential land uses. Properties adjacent to Haines Avenue located south of the subject property are zoned General Commercial District for a distance of approximately 1,600 feet. The property owner plans to develop the property for commercial use to serve the residential area. The extension of water and sewer facilities into the subject area supports the continued development of the area.

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

The General Commercial Zoning District is for personal and business services and the general retail business of the city. The subject property is located adjacent to Low Density Residential, General Commercial, and Mobile Home Residential Zoning Districts. The proposed General Commercial Zoning District is adjacent to Haines Avenue, a principal arterial street. The property owner has indicated that infrastructure will be extended into the area. The Future Land Use Committee is recommending approval of this rezoning in conjunction with a Planned Commercial Development. An application for the Planned Development Designation has been submitted in conjunction with this rezoning request.

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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 Haines Avenue, a principal arterial street. Water and sewer will be extended into the subject property. The Planned Commercial Development will mitigate any significant concerns that may arise relative to the adjacent uses. Additional buffering, screening and care with the layout of the property, access and arrangement with structures, will be required to insure that the commercial uses do not significantly impact the adjacent residential uses. The proposed amendment will not have an adverse effect on the surrounding area. Staff has not identified any significant adverse effects on the surrounding land uses or any other part of the City.

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 Future Land Use Committee has identified this area as appropriate for General Commercial land uses with a Planned Commercial Designation. An application for a Comprehensive Plan Amendment to change the land use from Low Density Residential land use to General Commercial land use and a Planned Development Designation have been submitted with this application for rezoning. The extension of water, sewer and street connections to the subject property will support the commercial development.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the November 10, 2005 Planning Commission meeting if this requirement has not been met. Staff has received one inquiry regarding the proposed Rezoning. An adjacent property owner has concerns with future drainage in the area, as well as the aesthetics of the area as the property is developed. These concerns will be reviewed in conjunction with a Planned Commercial Development – Initial and Final Plan at the time the property is developed.

Staff recommends that the Rezoning from Low Density Residential District to General Commercial District be approved in conjunction with an Amendment to the Comprehensive Plan to change the land use from Low Density Residential to General Commercial with a Planned Commercial Designation.