

STAFF REPORT

June 8, 2006

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**No. 06RZ008 - Rezoning from General Agriculture District to General Commercial District** **ITEM 18**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 06RZ008 - Rezoning from General Agriculture District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Property described by metes and bounds beginning at the west ¼ corner of Section 28, T2N, R8E, BHM, a found rebar and cap. Thence east along the east-west ¼ line a distance of 1050.14 Feet to the true point of beginning; Thence S00°05'52"E a distance of 400.02 Feet; Thence N89°53'17"E a distance of 1533.64 Feet; Thence N89°54'10"E a distance of 69.68 Feet; Thence N00°02'14"W a distance of 395.87 Feet to the center of Section 28, a found rebar and cap; Thence N89°57'47"W a distance of 1603.74 feet to the point of beginning. Containing 14.65 acres more or less.
PARCEL ACREAGE	Approximately 14.65 acres
LOCATION	At the northeast corner of the intersection of Dyess Avenue and Interstate 90 and at the eastern terminus of Mall Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Heavy Industrial District/General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Commercial District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/24/2006
REVIEWED BY	Karen Bulman / Emily Fisher

RECOMMENDATION: Staff recommends that the Rezoning from General Agriculture District to General Commercial District be **approved in conjunction with a Planned Development Designation.**

GENERAL COMMENTS: **This staff report has been revised as of May 26, 2006. All revised and/or added text is shown in bold print.** This undeveloped property contains

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approximately 14.65 acres and is located at the northeast corner of the intersection of Dyess Avenue and Interstate 90 and at the eastern terminus of Mall Drive. Land located north of the subject property is zoned Heavy Industrial District and General Agriculture District. Land located south and east of the subject property is zoned General Agriculture District. Land located west of the subject property is zoned General Commercial District. In addition to this application for Rezoning from General Agriculture District to General Commercial District, the applicant has submitted a Preliminary Plat (06PL043), a Subdivision Variance (06SV018), and a Planned Development Designation (06PD029).

**STAFF REVIEW:** The legal description submitted for this application was incorrect. The applicant has submitted a revised legal description. As such, Staff recommends that the Rezoning from General Agriculture District to General Commercial District be continued to the June 8, 2006 Planning Commission so that the item can be legally advertised. **The applicant has submitted a revised legal description and the application has now been legally advertised. (Revised 5-26-06)**

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 located at the east terminus of E. Mall Drive and is in an area that is planned for commercial development in the future. A Tax Increment District has been approved to extend E. Mall Drive from Dyess Avenue to the Visitor's Information Center adjacent to N. Elk Vale Road. E. Mall Drive is currently under construction. The extension of sewer infrastructure was included in the Tax Increment District.

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

The General Commercial Zoning District is intended for personal and business services and the general retail business of the City. The subject property is located adjacent to Heavy Industrial, General Commercial and General Agriculture Districts. East Mall Drive will be extended east and west on the south boundary of the subject property. Dyess Avenue is located adjacent to the west boundary of the subject property. Water and sewer are available in the area and will be extended as development occurs.

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 General Commercial and Heavy Industrial zoning districts. Water and sewer will be available to the subject property as development occurs. Traffic will have adequate access from two roads. East Mall

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Drive, a proposed collector street, will continue along the southern boundary of the subject property. Dyess Avenue is located adjacent to the west boundary of the subject property. A north south access road will be located on the east portion of the subject property to provide access to property north of the subject property. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from General Agriculture District to General Commercial 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 Northeast Neighborhood Area Future Land Use Plan identifies this area as appropriate for General Commercial land use with a Planned Commercial Development. Traffic from the commercial area will have adequate access from Dyess Avenue and East Mall Drive. The applicant has submitted a request for the Planned Development Designation. Rezoning the subject property from General Agriculture District to General Commercial District appears to be appropriate. (Revised 5-26-06)

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

STAFF REPORT  
May 25, 2006

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