

STAFF REPORT  
October 5, 2006

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**No. 06RZ030 - Rezoning from Office Commercial District to General Commercial District**

**ITEM 39**

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GENERAL INFORMATION:

|                              |   |
|------------------------------|---|
| PETITIONER                   | Dan Wilson for Site Work Specialists  |
| REQUEST                      | <b>No. 06RZ030 - Rezoning from Office Commercial District to General Commercial District</b>  |
| EXISTING LEGAL DESCRIPTION   | Parcel "B" located in the SE1/4 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 16 and ¼ mile north of Catron Boulevard. The point of beginning being coincident of the southeasterly angle point corner of Lot 6, Block 1, Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with a survey cap marked "LS 6117", said point of beginning bears N14°47'32"E a distance of 83.36 feet from the northeasterly angle point corner of Lot 6 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with survey cap marked "LS 6117", said parcel is more particularly described as follows: Thence First Course: along a line with a bearing of S14°47'32"W and a distance of 462.12; Thence Second Course: along a line with a bearing of N47°07'10"W and a distance of 473.75 feet; Thence Third Course: along a line with a bearing of N51°24'18"W and a distance of 360.81 feet; to an intersection with southerly line of Lot 9 of Block 1 of Tower Ridge 2 Subdivision; Thence Fourth Course: along southerly line of Tower Ridge 2 Subdivision with a bearing of S62°12'23"E and a distance of 498.86 feet; to the southeast corner of Lot 7 of Block 1 of Tower Ridge 2 Subdivision which is marked with a 5/8" rebar with a survey cap marked "LS 6117"; Thence Fifth Course: along the southerly line of Lot 6 Block 1 of Tower Ridge 2 Subdivision with a bearing N66°39'36"E and a distance of 333.09 feet to the point of beginning. |
| PARCEL ACREAGE               | Approximately 2.336 acres   |
| LOCATION                     | Northeast of the intersection of Promise Road and South Highway 16  |
| EXISTING ZONING              | Office Commercial District  |
| SURROUNDING ZONING<br>North: | General Commercial District   |

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South:                                      General Commercial District  
East:                                        Park Forest District  
West:                                        General Commercial District

PUBLIC UTILITIES                        City sewer and water

DATE OF APPLICATION                8/24/2006

REVIEWED BY                            Vicki Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Rezoning from Office Commercial District to General Commercial District be approved in conjunction with the Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation from Office Commercial with a Planned Commercial Development to a General Commercial with a Planned Commercial Development.

GENERAL COMMENTS:

**(Update, September 29, 2006. All revised and/or added text is shown in bold print.) This item was continued at the September 21, 2006 Planning Commission meeting to be heard after a neighborhood informational meeting held on September 25, 2006. Approximately 45 people attended the meeting. Staff presented the four associated applications and discussion followed regarding the applications and notification requirements.**

The applicant has submitted a Rezoning request to change the zoning designation of the subject property from Office Commercial District to General Commercial District. In addition, the applicant has submitted a Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation of the subject property from Office Commercial with a Planned Commercial Development to a General Commercial with a Planned Commercial Development. (See companion item #06CA026.)

The subject property consists of 2.336 acres and is part of a 32.25 acre unplatted balance located directly east of the Tower Ridge No. 2 Subdivision. The applicant has also submitted a Rezoning request to change the zoning designation on a 1.634 acre portion of the 32.25 acre unplatted balance from Office Commercial District to General Commercial District. In addition, the applicant has submitted a Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation of the 1.634 acres from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development. (See companion items #06RZ029 and 06CA025.)

On June 3, 2002, the City Council approved a Rezoning request to change the zoning designation on 14.726 acres from General Agriculture District to Office Commercial District. In addition, a Planned Development Designation was approved for the subject property. The 14.726 acres included that property currently platted as "Tower Ridge Subdivision No.

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2" and the subject property. In October of 2002, the City Council approved a Rezoning request to change the zoning designation of Tower Ridge Subdivision No. 2 from Office Commercial District to General Commercial District.

The subject property is located directly south of Tower Ridge Subdivision No. 2 and is currently void of any structural development.

STAFF REVIEW: Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. A summary of Staff findings is outlined below:

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in general.*

There does not appear to be substantially changed or changing conditions within this area. As noted above, the property located directly north of the subject property, known as "Tower Ridge Subdivision No. 2", was rezoned from Office Commercial District to General Commercial District in 2002. At that time, staff encouraged the property owner to include the subject property in the Rezoning application. In 2003, Preliminary and Final Plat(s) were approved creating the Tower Ridge Subdivision No. 2 into ten commercial lots. As a part of the platting, City sewer and water as well as a commercial street have been extended into the area.

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

According to the Zoning Ordinance, the General Commercial Zoning District is intended to provide for personal and business services and the general retail business of the City. The location of the property in close proximity to the intersection of two major arterial roadways makes it a desirable location for general commercial activities serving the general retail business needs of the community.

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 amendment.*

An approximate 70 foot ravine located along the south and east lot lines of the subject property separates the subject property from the existing and proposed residential development(s) located east of the subject property. The topographic differential between the properties serves as a separation and buffer between land use(s). As such, staff does not believe that rezoning this property will result in significant adverse impacts in conjunction with the existing Planned Development Designation. In addition, City water and sewer have been extended into the area as a part of the development of Tower Ridge Subdivision No. 2. The additional review provided by a Planned Commercial Development process will insure that adequate water and sewer is available to meet the needs of the specific proposed commercial use. In addition, the Planned Commercial Development review will address traffic concerns and topographic and drainage concerns specific to the subject property.

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4. *The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

As noted above, the applicant has submitted a Comprehensive Plan Amendment to the U.S. Highway 16 Neighborhood Future Land Use Plan to change the land use designation of the subject property from Office Commercial with a Planned Commercial Development to a General Commercial with a Planned Commercial Development. If the Comprehensive Plan Amendment is approved, the Rezoning request will be consistent with the Land Use Plan. In addition, the proposed rezoning request does not conflict with the City's Major Street Plan or the community facilities plan.

**Notification Requirement: The sign has been posted on the property and the certified mailing receipts have been returned to the Growth Management Department. Staff has received several calls inquiring about the proposal. A majority of the callers voiced opposition to the proposed request. The balance of the callers did not indicate if they opposed or supported the request. In addition, several area property owners attended the September 21, 2006 Planning Commission meeting and voiced opposition to the request.**