

STAFF REPORT  
March 8, 2007

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**No. 07RZ011 - Rezoning from General Agriculture District to General Commercial District** **ITEM 22**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 07RZ011 - Rezoning from General Agriculture District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Unplatted portion of the NW1/4 SE1/4 north of Interstate 90 and Lot E of the S1/2 SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 41.2 acres
LOCATION	North of Interstate 90 and west of North Elk Vale Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Light Industrial District (Planned Development Designation) - General Commercial District (Planned Development Designation)
South:	Light Industrial District
East:	General Commercial District
West:	General Commercial District (Planned Development Designation) - General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/9/2007
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION: Staff recommends that the Rezoning from General Agriculture District to General Commercial District be continued to the March 22, 2007 Planning Commission meeting to allow the legal notification requirement to be met.

GENERAL COMMENTS: This undeveloped property contains approximately 41.2 acres and is located north of Interstate 90 between Dyess Avenue and Elk Vale Road. Land located north of the subject property is zoned Light Industrial District with a Planned Development Designation and General Commercial District with a Planned Development Designation. Land located south of the subject property is zoned Light Industrial District. Land located east of the subject property is zoned General Commercial District. Land located west of the subject property is zoned General Commercial District with a Planned Development Designation and General Agricultural District.

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On February 23, 2007 a Planned Development Designation application (07PD007) was approved for 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.*

The subject property is currently zoned General Agriculture District. The General Agriculture District has served as a holding zone until such time as the property is developed. A Tax Increment District (04TI002) was approved to extend East Mall Drive from Dyess Avenue to the Visitor's Information Center adjacent to Elk Vale Road. This segment of East Mall Drive has currently been constructed and was open to the public on February 23, 2007. The extension of water and sewer infrastructure was included in the construction of this roadway. The proposed extension of public streets as well as the extension of municipal water and sanitary sewer services to the property is the changing condition within the area that supports the extension of commercial development in this area. It is anticipated that this will be an area of the community that will experience continued growth and commercial development in the immediate and foreseeable future.

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 Light Industrial, General Commercial and General Agriculture Districts. East Mall Drive, an arterial street, is extending through the subject property. Due to the existing zoning of the adjacent properties, the extension of City water and sewer services, and the topography of the area, the proposed rezoning appears to be consistent with the intent and purposes of this ordinance.

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 Light Industrial Zoning Districts. Water and sewer is available to the subject property from Mall Drive. Traffic will have adequate access from East Mall Drive, an arterial street, as it continues through the subject property and Elk Vale Road, an arterial street, is located to the east of the subject property. As previously indicated, a Planned Development Designation has been approved for the subject property. The additional review provided by an Initial and Final Planned Commercial Development process will insure that any possible adverse impacts of development and/or redevelopment are adequately mitigated. Based on the provision of a Planned Development, staff has not identified any significant adverse impacts that will result from the requested rezoning.

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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 Elk Vale Road and East Mall Drive. As previously indicated, a Planned Development Designation has been approved for the subject property. The additional review provided by an Initial and Final Planned Commercial Development process will insure that any possible adverse impacts of development and/or redevelopment are adequately mitigated. Based on the provision of a Planned Development, rezoning the subject property from General Agriculture District to General Commercial District appears to be appropriate.

Notification Requirement: The applicant has notified City staff that the legal notification sign for the Rezoning was not posted seven days prior to the Planning Commission meeting as required. As such, staff is recommending that this item be continued to the March 22, 2007 Planning Commission meeting to allow the legal notification requirement to be met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.