

STAFF REPORT  
March 22, 2007

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**No. 07RZ010 - Rezoning from General Agriculture District to General Commercial District**      **ITEM 23**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 07RZ010 - Rezoning from General Agriculture District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	That part of the SW1/4 north of I-90 including Lot 3 of Starlite Subdivision, less GLM Subdivision No. 2 and less Right-of-way; all located in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.
PARCEL ACREAGE	Approximately 53.75 acres
LOCATION	East of Dyess Avenue and north of Interstate 90
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	Light Industrial District
East:	General Agriculture District
West:	Light Industrial District - General Commercial District
PUBLIC UTILITIES	Public water and sewer
DATE OF APPLICATION	2/6/2007
REVIEWED BY	Jonathan Smith / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to General Commercial District be approved for the portion of the subject property legally described as:

Beginning at the west corner of Starlite Subdivision, Lot 3, this being the true point of beginning; thence N67°14'25"W a distance of 333.47 feet to a point lying on the westerly right-of-way line of North Dyess Avenue; thence N00°08'30"W a distance of 678.69 feet to a point lying on the westerly right-of-way line of North Dyess Avenue and on the southerly right-of-way line of East Mall Drive; thence S89°57'47"E a distance of 1016.71 feet to a point lying on the southerly right of way line of East Mall Drive; thence N89°53'19"E a distance of 1533.40 feet to a point lying on the southerly right of way line of East Mall Drive; thence N89°54'10"E a distance of 69.57 feet to a point lying on the southerly right of way line of East Mall Drive; thence S00°02'14"E a distance of 924.66 feet to a point lying on the easterly line of said SW1/4 of Section 28 and on the northerly right of way line of Interstate 90; thence N89°50'04"W a distance of 1,753.45 feet to a point lying

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on the northerly right of way line of Interstate 90 and consistent with the southeast corner of said Lot 3 of Starlite Subdivision; thence N89°44'19"W a distance of 300.04 feet to a point consistent with the southwest corner of said Lot 3 of Starlite Subdivision; thence N67°14'21"W a distance of 279.37 feet to the true point of beginning; containing 53.75 acres more or less.

GENERAL COMMENTS:

**This item was continued at the March 8, 2007 Planning Commission meeting at the applicant's request to allow the applicant to post a notice of rezoning on the subject property as required by the Rapid City Municipal Code. As such the required signs have been posted on the subject property. As the required notice has been completed, staff recommends approval of the rezoning with the revised legal description.**

The applicant has submitted an application to rezone 113.8 acres from General Agriculture to General Commercial. The subject property is located southeast of the intersection of Dyess Avenue and East Mall Drive. Currently the subject property is void of any structural development and is currently zoned General Agriculture. The adopted Future Land Use Plan identifies the property as appropriate for the development as General Commercial uses with a Planned Commercial Development Designation. A Planned Development Designation (07PD006) was approved administratively on February 16, 2007.

East Mall Drive is a principal arterial street that currently abuts the property on the northern boundary. Dyess Avenue is a minor arterial street that abuts the property on the eastern boundary. In addition Offutt Street, which lies parallel to US Interstate 90, abuts the property on the southern boundary. A rezoning application (07RZ011) to rezone the abutting property to the east has been filed in conjunction with this application.

STAFF REVIEW:

Staff has evaluated the proposed rezoning as it relates to the four criteria for review of the zoning 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.*

The subject property is currently zoned General Agricultural. The General Agricultural District serves as a holding zone until such time the property is developed. The recent extension of East Mall Drive, as well as the extension of sewer and water are changing conditions that support the request to rezone the property. In addition, 21 acres abutting the northwestern boundary of the subject property was rezoned (06RZ008) from General Agricultural to General Commercial by City Council on June 19, 2006.

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

The purpose of the General Commercial Zoning District is to provide areas for personal and business services, as well as general retail services within the City. The subject property abuts a principal arterial street, is bounded on the eastern boundary by a minor arterial street, and can be seen from US Interstate 90. Due to existing zoning of the adjacent properties, and the

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access to City of Rapid City water and sewer, the proposed rezoning would appear to be consistent with the intent and purposes of the Zoning 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 amendment.*

Currently water and sewer services are available to the subject property. East Mall Drive and Dyess Avenue are arterial streets that provide adequate access to the subject property. Any substantial development of the property will necessitate the need for a traffic impact analysis to be submitted to address traffic system improvements. Currently there are no residential areas that abut the subject property. Staff has not identified any significant adverse impacts that will result from the requested rezoning.

- 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.*

The Major Street Plan identifies Dyess Avenue and East Mall Drive as minor and principal arterial streets respectively. Allowing commercial activities to be accessed by the two aforementioned streets is in compliance with the Major Street Plan. The Comprehensive Plan identifies the subject property as appropriate for General Commercial land uses with a Planned Commercial Development. Staff finds that the requested rezoning of the subject property to be consistent with the adopted Comprehensive Plan.

Notification Requirement

As of this writing the receipts from the certified mailings have not been returned, and no signs have been posted on the subject property. Staff will notify the Planning Commission at the March 8, 2007 meeting if these requirements have not been met.

Staff finds that the rezoning request meets the four criteria for review of zoning amendments as identified above. In particular, staff finds this request consistent with the plans and policies of the City of Rapid City and recommends the rezoning requested be approved.