

STAFF REPORT
January 24, 2008

**No. 07RZ073 - Rezoning from General Agriculture District to Office
Commercial District**

ITEM 16

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	ZCO Incorporated
REQUEST	No. 07RZ073 - Rezoning from General Agriculture District to Office Commercial District

EXISTING
LEGAL DESCRIPTION

A portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Thence first course: N78°00'34"E, along the centerline of Marlin Drive, a distance of 201.84 feet, to the end of the previously dedicated Marlin Drive; Thence, second course: N78°00'34"E, a distance of 66.26 feet; Thence, third course: curving to the left, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of N76°10'58"E, and chord distance of 63.76 feet; Thence, fourth course: N74°21'21"E, a distance of 66.33 feet; Thence, fifth course: S15°38'39"E, a distance of 29.50 feet; Thence, sixth course: S74°21'21"W, a distance of 54.43 feet; Thence, seventh course: S26°59'57"E, a distance of 151.65 feet; Thence, eighth course: S56°56'40"W, a distance of 309.27 feet; Thence, ninth course: S56°56'40"W, a distance of 50.00 feet; Thence tenth course: curving to the right, on a curve with a radius of 600.00 feet, a delta angle of 08°33'39", a length of 89.65 feet, a chord bearing of N28°46'30"W, and chord distance of 89.57 feet; Thence eleventh course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 01°08'47", a length of 20.01 feet, a chord bearing of N23°55'17"W, and chord distance of 20.01 feet, to the end of dedicated Creek Drive centerline; Thence twelfth course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 11°21'28", a length of 198.23 feet, a chord bearing of N17°40'09"W, and chord distance of 197.91 feet, the intersection of centerline of Marlin Drive and Creek Drive, and the point of beginning; Said Parcel contains 87,663 square feet or 2.012 acres more or less.

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PARCEL ACREAGE	Approximately 2.012 acres
LOCATION	Southeast of the intersection of Creek Drive and Marlin Drive
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/12/2007
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION: Based on the recommendations of the Future Land Use Committee on the related Comprehensive Plan Amendment, staff recommends that the Rezoning from General Agriculture District to Office Commercial District be approved in conjunction with the associated Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to Office Commercial with a Planned Commercial Development.

GENERAL COMMENTS: (Update January 15, 2008. All revised text is shown in bold.) This item was continued to the January 24, 2008 Planning Commission meeting to allow the title to be corrected on the associated Amendment to the Adopted Comprehensive Plan (see #07CA064). The applicant has submitted this Rezoning request to change the zoning designation of the property from General Agricultural District to Office Commercial District. This undeveloped property contains approximately 2.012 acres and is located southeast of the intersection of Creek Drive and Marlin Drive. In addition, the applicant has submitted an Amendment to the Adopted Comprehensive Plan (#07CA051) to change the land use designation from General Agriculture to Office Commercial. Land located north, south, east, and west of the property is zoned General Agricultural District. The adopted Long Range Comprehensive Plan indicates that this property is appropriate for General Agricultural land uses. The Draft Future Land Use Plan for the Southeast Connector Neighborhood indicates that this property is appropriate for Office Commercial land uses.

On June 7, 2004 City Council approved an Annexation (#04AN003) that included the subject property and temporarily placed the area in a No Use Zoning District.

On October 30, 2007 a Planned Development Designation (#07PD091) was approved

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for the property.

On November 19, 2007, City Council approved a Preliminary Plat (#07PL132) with stipulations that included this 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 annexation of the property and the extension of utilities to the area constitutes the changing conditions requiring rezoning of the property. Amendments to the existing zoning are appropriate.

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

The Office Commercial Zoning District is intended to provide a place for those types of institutional and commercial activities that require separate buildings and building groups surrounded by landscaped yards and open areas. Land, space and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods. The proposed zoning will provide a buffer between the surrounding zoning designations since the area to the west and south is proposed to be developed as industrial and the area east of the subject property is proposed for residential development based on the Draft Future Land Use Plan for the Southeast Connector Neighborhood. Rezoning the property from General Agriculture District to Office Commercial District appears to be appropriate.

- 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.*

Water and sewer mains have been extended to the property. A Planned Development Designation was submitted and approved for the property. The additional review provided by an Initial and Final Planned Unit Development process will insure that possible adverse impacts of development are mitigated. Based on the provision of a Planned Development, 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 conflict with the Development Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan, and Community Facilities Plan.*

The Long Range Comprehensive Plan indicates that this property is appropriate for General Agricultural land uses. The Draft Future Land Use Plan for the Southeast Connector Neighborhood indicates that this property is appropriate for Office

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Commercial land uses with a Planned Development Designation. If the associated Comprehensive Plan Amendment is approved, the rezoning request will be consistent with the adopted Future Land Use Plan. For this reason, staff is recommending approval of the rezoning request in conjunction with the associated Comprehensive Plan Amendment.

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.