

STAFF REPORT
June 20, 2013

No. 13RZ013 - Rezoning from General Agricultural District to General Commercial District **ITEM 13**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
AGENT	Dream Design International, Inc.
PROPERTY OWNER	Yasmeen Dream LLC
REQUEST	No. 13RZ013 - Rezoning from General Agricultural District to General Commercial District
EXISTING LEGAL DESCRIPTION	<p>A portion the S1/2 of the SW1/4 of the NE 1/4, and in the NW1/4 of the SE1/4, of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the westerly most corner of Lot 1 of Wally Byam Addition, and the point of beginning, Thence, first course: S 53°25'20" E, along the southerly boundary of said Lot 1, a distance of 403.36; to the southerly most corner of said Lot 1, common to the southwesterly corner of Lytle Lane right-of-way,; Thence, second course: N 25°42'51" E, along the easterly boundary of said, Lot 1, common to the westerly edge of said Lytle Lane right-of-way, a distance of 32.52,; Thence, third course: along the easterly boundary of said Lot 1, common to the westerly edge of said Lytle Lane right-of-way, curving to the right with an arc length of 169.04', with a radius of 230.00', with a chord bearing of N 46°50'50" E, with a chord length of 165.26',; Thence, fourth course N 67°53'28" E, along the easterly boundary of said Lot 1, common to the westerly edge of said Lytle Lane right-of-way, a distance of 126.21,; Thence, fifth course: along the easterly boundary of said Lot 1, common to the westerly edge of said Lytle Lane right-of-way, curving to the left with an arc length of 85.29', with a radius of 167.76', with a chord bearing of N 53°20'17" E, with a chord length of 84.38', the easterly most corner of said Lot 1, common to the northwesterly corner of said Lytle Lane right-of-way,; Thence, sixth course: N 89°46'36" E, along the northerly edge of said Lytle Lane right-of-way, a distance of 27.20', to a point on the southerly edge of Railroad right-of-way,; Thence, seventh course: S 51°14'16" E, along the northerly edge of said Lytle lane right-of-way, common to the southerly edge of said Railroad right-of-way, a distance of 38.84', to the northeasterly corner of said Lytle Lane right-of-way,; Thence, eighth course: S 51°15'39" E, along the</p>

STAFF REPORT
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No. 13RZ013 - Rezoning from General Agricultural District to General Commercial District **ITEM 13**

southerly edge of said Railroad right-of-way, a distance of 442.23', to a point on the easterly north-south section 1/16th line,; Thence, ninth course: S 00°04'11" W, along said section 1/16th line, a distance of 356.96', to the CE section 1/16th corner,; Thence, tenth course: S 00°06'12" W, along said section 1/16th line a distance of 438.87',; Thence, eleventh course: N 89°53'48" W a distance of 1208.08', to a point on the easterly boundary of Tract A of the E1/2 of the SW1/4 and W1/2 of the SE1/4,; Thence, twelfth course: N 00°21'28" E, along the easterly boundary of said Tract A, a distance of 214.98' to the northeasterly corner of said Tract A,; Thence, thirteenth course: N 89°59'43" W, along the northerly boundary of said Tract A, a distance of 921.43, to a point on the easterly edge of Elk Vale Road Exit / Access Ramp right-of-way,; Thence, fourteenth course: along the easterly edge of said Elk Vale Road Exit / Access Ramp, curving to the right with an arc length of 24.53', with a radius of 2141.83', with a chord bearing of N 02°24'31" E, with a chord length of 24.52',; Thence, fifteenth course: along the easterly edge of said Elk Vale Road Exit / Access Ramp, on a compound curve, curving to the right with an arc length of 670.67', with a radius of 743.51', with a chord bearing of N 38°36'54" E, with a chord length of 648.16',; Thence, sixteenth course: along the easterly edge of said Elk Vale Road Exit / Access Ramp N64°28'44" E a distance of 370.76'; Thence, seventeenth course: along the easterly edge of said Elk Vale Road Exit / Access Ramp, curving to the left with an arc length of 198.75', with a radius of 431.61', with a chord bearing of N 51°17'32" E, with a chord length of 197.00',; Thence, eighteenth course: N 38°11'20" E, along the easterly edge of said Elk Vale Road Exit / Access Ramp, a distance of 84.22,; Thence, nineteenth, course: S 89°50'45" E a distance of 137.86', to the said point of beginning.

PARCEL ACREAGE	Approximately 28.64 acres
LOCATION	South of S.D. Highway 44 and east of Elk Vale Road
EXISTING ZONING	General Agricultural District
FUTURE LAND USE DESIGNATION	Commercial

STAFF REPORT
June 20, 2013

No. 13RZ013 - Rezoning from General Agricultural District to General Commercial District **ITEM 13**

SURROUNDING ZONING

North:	General Commercial (Planned Development Designation)
South:	General Agricultural District
East:	Suburban Residential District (Pennington County)
West:	General Agricultural District

PUBLIC UTILITIES Rapid Valley Sanitary District

DATE OF APPLICATION May 24, 2013

REVIEWED BY Fletcher Lacock / Ted Johnson

RECOMMENDATION:

Staff recommends that the rezoning request from General Agricultural District to General Commercial District be approved.

GENERAL COMMENTS:

The applicant has submitted a rezoning request to change the zoning designation of the above legally described property from General Agriculture District to General Commercial District. The project is to be known as Orchard Meadows and will be developed in five phases.

The applicant has also submitted an associated Preliminary Subdivision Plan application for phase one, and Comprehensive Plan Amendment applications and Rezoning applications to change the Future Land Use Plan and existing zoning to comply with the proposed Master Plan of the entire property. (See associated Files 13PL049, 13CA008, 13CA009, 13RZ014, and 13RZ015).

The property is located on the south side of S.D. Highway 44, east of Elk Vale Road. Currently, the property is void of any structural development.

STAFF REVIEW:

Staff has reviewed this proposed rezoning request 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 generally.*

Currently, it does not appear that there are any substantially changing conditions in the area.

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

The Rapid City Municipal Code states that the General Commercial District is established for personal and business services and the general retail business of the

STAFF REPORT
June 20, 2013

No. 13RZ013 - Rezoning from General Agricultural District to General Commercial District **ITEM 13**

city. The property is located near S.D. Highway 44 and Elk Vale Road, both of which are classified as principal arterial streets on the City's Major Street Plan. The Rapid City Area Future Land Use Plan identifies the future use of the property as appropriate for commercial use. It appears that the rezoning request is consistent with the intent and purpose 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 an amendment.*

The currently undeveloped property is within the Rapid Valley Sanitary District, and no utilities exist on the site. The applicant has met with staff to discuss platting, infrastructure improvements and capacity issues that must be addressed in order to serve future development. The property is located near S.D. Highway 44 and Elk Vale Road, both of which are classified as principal arterial streets on the City's Major Street Plan. The proposed amendment would not appear to result in any significant detrimental effects on the adjacent transportation and services network, assuming future development is in compliance with the Infrastructure Design Criteria Manual and meets with the approval of Rapid Valley Sanitary District and the South Dakota Department of Transportation.

- 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.*

One of the goals of the Future Land Use Plan is to encourage compact and contiguous growth along the City's fringe that is linked to both the levels of demand in the market and to the orderly extension and efficient use of public improvements, infrastructure and services. The applicant has met with staff to discuss platting, infrastructure improvements and capacity issues that must be addressed in order to serve future development. The Rapid City Area Future Land Use Plan identifies the future use of the property as appropriate for commercial use. The requested rezoning from General Agriculture District to General Commercial District is consistent with the adopted Comprehensive Plan.

Summary: Staff recommends that the rezoning request from General Agriculture District to General Commercial District be approved.

Notification: The first class mailings have not been returned to Community Planning and Development Services for mailing. The sign has been picked up; however, as of this writing, staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the June 20, 2013 Planning Commission meeting if these requirements have not been met.