

STAFF REPORT
January 8, 2015

No. 14RZ012 - Rezoning from No Use District to General Commercial District **ITEM 10**

GENERAL INFORMATION:

APPLICANT	Aspen Ridge Lawn and Landscape, LLC
AGENT	David Muck - Ferber Engineering Co., Inc.
PROPERTY OWNER	Al Sutton, Trustees/ Sutton Living Trust
REQUEST	No. 14RZ012 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	A portion of Lot 1 of the SE1/4SE1/4 of Section 29, including Lot A of Lot 1 of SE1/4SE1/4 and Excepting Therefrom, Croyle Avenue and Dunsmore Road; Lots H1 and P1 of Lot 1; Lot B of Lot 1; Colonial Pine Hills Sanitary District Well Lot; and, Lot 1 of Flannery Subdivision and Dedicated Right-of-Way all located in Section 29, T1N, R7E, Pennington County, South Dakota, T1N, R7E of the BHM, Rapid City, Pennington County, South Dakota, more particularly described as: Commencing from a found rebar with plastic cap marked "Fisk Eng 1771", monumenting the northwest corner of Lot B of Lot 1 of the SE1/4SE1/4 of Section 29, T1N, R7E, BHM; thence, N09°54'23"E, along the east right-of-way line of Croyle Avenue, a distance of 62.54 feet to a point, being the southwest corner of the proposed annexation area, and being the true point of beginning; thence, along the chord bearing of N01°45'19"E of a 783-foot radius curve to the left with Delta Angle of 13°32'18", said curve being the east right-of-way line of Croyle Avenue, a chord distance of 184.58 feet to the Point of Tangency; thence, N05°00'50"W along the east right-of-way line of Croyle Avenue, a distance of 87.36 feet to a point of deflection, being the northwest corner of the proposed annexation; thence, S89°35'18"E along the existing corporate limit line, a distance of 336.27 feet to a point of deflection, being the northeast corner of the proposed annexation; thence, S00°24'42"W along the east annexation line a distance of 271.50 feet to a point of deflection, being the southeast corner of the proposed annexation; thence, N89°35'18"W along the south annexation line a distance of 332.34 feet to the true point of beginning
PARCEL ACREAGE	Approximately 2.05 acres

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LOCATION	South of Sheridan Lake Road between Croyle Avenue and Dunsmore Road
EXISTING ZONING	Highway Service (Pennington County) - Suburban Residential District (Pennington County)
FUTURE LAND USE DESIGNATION	Urban Neighborhood
SURROUNDING ZONING	
North:	General Commercial District
South:	Suburban Residential District (Pennington County)
East:	Highway Service (Pennington County) - Suburban Residential District (Pennington County)
West:	Highway Service (Pennington County)
PUBLIC UTILITIES	Colonial Pine Hills Sanitary District Private septic
DATE OF APPLICATION	December 12, 2014
REVIEWED BY	Sarah Hanzel / Ted Johnson

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Commercial District be approved in conjunction with a Planned Development Designation.

GENERAL COMMENTS: The applicant has submitted a rezoning request to change the zoning designations of the above property from No Use District to General Commercial District. The property is located at the southeast corner of Sheridan Lake Road and Croyle Avenue and consists of approximately 2.05 acres. This request is submitted in conjunction with a Petition for Annexation (14AN005). On November 6, 2014, the Planning Commission approved Preliminary Subdivision Plan (14PL066) for this property and approximately 1.73 acres of land immediately north of this property. There is a Planned Development (10PD034) for the 1.73 acres of property located north of this property. The applicant has submitted a companion application for a Planned Development Designation for the 2.05 acres of property included in this request. Prior to issuance of a building permit for development of the property, a final development plan must be approved. This rezone application appears to be in conformance with the Future Land Use Plan in Rapid City's adopted Comprehensive Plan, *Plan Rapid City*.

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 zoning amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected or in the City in general.*

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A petition for annexation has been submitted for this property. All annexed lands are temporarily designated as No Use District. If approved, the annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The purpose of the General Commercial District as stated in Chapter 17 is for personal and business services and the general retail business of the City. The applicant has identified that the future use on the property will be related to a lawn care business.

A single family residence and four sheds are located on the property. However, the applicant has indicated that the home will be removed from the property and the proposed development will utilize the entire 3.78 acres once platted.

- 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.*

The area surrounding the proposed annexation area consists of a mixture of residential and commercial uses. Land located north of the proposed annexation area is zoned General Commercial District. Land to the south is zoned Suburban Residential in Pennington County. Land to the east is zoned Highway Service and Suburban Residential in Pennington County. Land to the west is zoned Highway Service in Pennington County.

It is possible that some uses permitted in the General Commercial District may cause nuisances to adjacent residential properties. A Planned Development for the 1.73 acres located north of the property (11PD034) was created to minimize potential negative impacts to the neighborhood. An application for a Planned Development Designation was submitted for the property contained in this rezone request to help ensure that any negative impacts to adjacent residential uses are minimized.

The property is currently served by the Colonial Pine Hills Water District. Private on-site wastewater systems currently serve the existing development located on the property. City sewer is located approximately 220 feet to the east of the proposed Lot 1 within the Sheridan Lake Road right-of-way. The applicant was granted an exception to waive the requirement to extend City water and to extend the City sanitary sewer main. However, the applicant has signed a Waiver of Right to Protest to ensure that future connections to the property can be obtained.

No significant adverse impacts have been identified that will result from the requested rezone.

- 4. The proposed amendments shall be consistent with and not conflict the development Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan, and Community Facilities Plan.*

Rapid City's Major Street Plan identifies a principle arterial and a local street providing access to this property. Access to the property along the northern lot line of the proposed

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Lot 1 associated with 14PL066 is from Sheridan Lake Road, a principle arterial street. Access to the property along the western lot line of the proposed Lot 1 is from Croyle Avenue, a local street. Additionally, there appears to be a gravel driveway off of Sheridan Lake Road providing access to Lot A.

Plan Rapid City identifies the Future Land Use Designation for this property as Urban Neighborhood. Development occurring in Urban Neighborhood is intended to support opportunities for a mix of housing types and densities while promoting commercial development in the form of neighborhood retail and service businesses. As such, the permitted uses in the General Commercial District are in conformance with *Plan Rapid City*.

Notification Requirement: As of this writing, the notification letters have been returned to Community Planning and Development Services for mailing. The required sign has been posted on the property.

Staff recommends that the application for rezoning from No Use District to General Commercial District be approved.