

## STAFF REPORT

June 21, 2001

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### **No. 01RZ030 - Rezoning from No Use District to General Commercial District ITEM 44**

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#### GENERAL INFORMATION:

PETITIONER	Centerline for Olsen Development Company
REQUEST	<b>No. 01RZ030 - Rezoning from No Use District to General Commercial District</b>
LEGAL DESCRIPTION	Beginning at the southeast corner of Tract 2 of Settler's Landing Subdivision, located in SW1/4-SE1/4, Section 19, T2N, R8E, BHM, thence N00°08'27"E 230.00 feet, thence S89°51'33"E 122.88 feet, thence N00°03'24"E 388.20 feet, thence N85°02'35"E 1043.65 feet, thence N00°02'29"W 588.25 feet, thence N89°57'31"E 255.00 feet, thence S00°02'29"E 1157.00 feet, thence through a right hand curve with a delta angle of 90°10'59" and a radius of 159.49 feet, thence N89°51'33"W 1259.15 feet, thence N00°08'27"E 17.00 feet to the Point of Beginning. Said parcel containing 24.5565 acres more or less
PARCEL ACREAGE	Approximately 24.5565 Acres
LOCATION	Northwest of the intersection of Seger Drive and 143rd Street
EXISTING ZONING	Suburban Residential District (County)
SURROUNDING ZONING	
North:	Suburban Residential District (County)
South:	General Commercial District-Light Industrial District (City)
East:	General Agriculture District-Limited Agriculture District (County) Medium Density Residential District (City)
West:	Suburban Residential District-General Agriculture District-General Commercial District (County)
PUBLIC UTILITIES	To be extended
REPORT BY	Vicki L. Fisher

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Commercial District be approved in conjunction with the Planned Development Designation and contingent upon a Comprehensive Plan Amendment to the Northeast Neighborhood Area Future Lane Use Plan being approved prior to second reading of the rezoning request by the City Council.

GENERAL COMMENTS: The applicant has submitted a rezoning request to change the zoning on the above legally described property from No Use District to General Commercial

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District with a Planned Development Designation.

On May 7, 2001, the City Council approved a Comprehensive Plan Amendment to amend the Northeast Neighborhood Area Future Land Use Plan to change the future land use designation on a 15.51 acre parcel from Low Density Residential with a Planned Residential Development to Medium Density Residential with a Planned Residential Development and to change the future land use designation on a 109.19 acre parcel from Mobile Home Residential to Mobile Home Park with a Planned Residential Development and to Office Commercial with a Planned Commercial Development. The subject property includes a portion of the area recently the subject of a Comprehensive Plan Amendment from Medium Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development. In association with this item, the applicant has submitted a Comprehensive Plan Amendment to increase the boundaries of the area appropriate for general commercial use with a Planned Development Designation on the Northeast Neighborhood Area Future Land Use Map by approximately 10.99 acres to allow for a recreational vehicle park and a dormitory to be constructed as a part of a recreational facility.

On June 4, 2001, the City Council approved Layout Plat #01PL034 to create an approximate 50 acre lot, including the subject property, leaving a 77 acre non-transferable balance.

The applicant has also submitted the following associated requests: an annexation request to annex 127.0929 acres, a Comprehensive Plan Amendment to the Northeast Neighborhood Area Future Land Use Plan to change the future land use designation on a 24.5565 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development, a request to rezone 39.3613 acres from No Use District to Office Commercial District with a Planned Development Designation and a request to rezone 39.3613 acres from No Use District to Office Commercial District with a Planned Development Designation. (See accompanying file # 01AN009, 01CA014, 01RZ031, 01PD029 and 01PD030.)

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

Seger Drive is located along the south lot line of the subject property and 143<sup>rd</sup> Avenue is located along the east lot line. Seger Drive and 143<sup>rd</sup> Avenue are identified as a minor arterial road and a collector road, respectively, on the Major Street Plan. The properties located to the south are located in the City limits of Rapid City and are currently zoned General Commercial and Light Industrial, respectively. The Northeast Neighborhood Area Future Land Use Map identifies the appropriate use for the properties located south and west of the subject property as General Commercial and General Commercial with a Planned Commercial Development, respectively. The two roadways in conjunction with the proposed future commercial development within the area support general commercial

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zoning on the subject property.

2. *The proposed amendments shall be consistent with the intent and purposes of this ordinance.*

The description of the General Commercial Zoning District is to provide "...for personal and business services and the general retail business of the city". The location of the subject property adjacent to a minor arterial road and a collector road makes this location desirable for commercial development to serve the personal and business needs of the community. Staff believes that rezoning this property is consistent with the intent and purposes of the 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.*

Staff does not believe that rezoning the subject property will result in any significant adverse affects provided the associated Planned Development Designation request is approved. General Commercial zoning at this location will allow for the extension of commercial uses along two significant roadways to serve existing and residential development within the area. In addition, the Planned Development Designation will serve to insure that any possible impacts are adequately mitigated as a part of the development of the site.

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.*

As previously indicated, on May 7, 2001, the City Council approved a Comprehensive Plan Amendment to amend the Northeast Neighborhood Area Future Land Use Plan to change the future land use designation on the northern portion of the subject property from Mobile Home Residential to Office Commercial with a Planned Commercial Development. Prior to approval of the second reading of the rezoning request by the City Council, the Comprehensive Plan must be amended to show this area of the subject property as General Commercial with a Planned Commercial Development to insure consistency between the proposed rezoning and the adopted comprehensive plan.

As of this writing, the receipts from the certified mailings have not been returned nor has the sign been posted on the property. Staff will notify the Planning Commission at the June 21, 2001 Planning Commission meeting if these requirements have not been met. Staff has not received any calls or inquiries regarding this proposal.

Staff has reviewed this request with respect to the criteria established for Zoning Map Amendments and recommends approval.