

STAFF REPORT

September 25, 2003

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**No. 03RZ035 - Rezoning from General Commercial District to Public District** **ITEM 15**

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GENERAL INFORMATION:

PETITIONER William Schleining

REQUEST **No. 03RZ035 - Rezoning from General Commercial District to Public District**

EXISTING  
LEGAL DESCRIPTION

A portion of Lot 3 of Moon Ridge Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the northeasterly corner of said Lot 3 of Moon Ridge Subdivision and the Point of Beginning; thence, first course: S07°20'00"W, along the easterly boundary of said Lot 3, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 1337.09 feet, to the southeasterly corner of said Lot 3, common with the northeasterly corner of the right-of-way of Moon Meadows Drive; thence, second course: N82°35'35"W, along the northerly edge of the right-of-way of said Moon Meadows Drive, a distance of 42.53 feet, to a point of curve; thence, third course: northwesterly, along the northerly edge of the right-of-way of said Moon Meadows Drive, curving to the left on a curve with a radius of 1050.00 feet, a delta angle of 06°35'17", an arc length of 120.73 feet, a chord bearing of N86°00'00"W, and a chord distance of 120.67 feet, to a point of tangency; thence, fourth course: N89°15'53"W, along the northerly edge of the right-of-way of said Moon Meadows Drive, a distance of 337.71 feet; thence, fifth course: N89°16'12"W, along the northerly edge of the right-of-way of said Moon Meadows Drive, a distance of 231.26 feet, to the southwesterly corner of said Lot 3 of Moon Ridge Subdivision, common with the southeasterly corner of Lot 1 of Moon Ridge Subdivision; thence, sixth course: N00°12'56"E, along the westerly boundary of said Lot 3 of Moon Ridge Subdivision, common with the easterly boundary of said Lot 1 of Moon Ridge Subdivision, a distance of 245.52 feet; thence, seventh course: N26°53'52"E, a distance of 990.49 feet; thence eighth course: N07°53'52"E, a distance of 178.06 feet, to a point on the northerly boundary of said Lot 3 of Moon Ridge Subdivision; thence, ninth course: N89°53'10"E, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a

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distance of 428.66 feet, to the northeasterly corner of said Lot 3 of Moon Ridge Subdivision, and the Point of Beginning; said parcel contains 18.177 acres more or less

PARCEL ACREAGE	Approximately 18.177 acres
LOCATION	At the intersection of Highway 16 and Moon Meadows Road
EXISTING ZONING	General Commercial District
SURROUNDING ZONING	
North:	No Use District
South:	General Commercial District
East:	General Commercial District
West:	Medium Density Residential District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	08/25/2003
REPORT BY	Karen Bulman

**RECOMMENDATION:** Staff recommends that the Rezoning from General Commercial District to Public District be approved subject to approval of the related Amendment to the Comprehensive Plan.

**GENERAL COMMENTS:** The applicant is requesting the rezoning of approximately 18.177 acres located at the intersection of U.S. Highway 16 and Moon Meadows Road. The property was annexed into the city limits in July 2000 and was zoned General Commercial District. The United States Forest Service recently purchased this land and is requesting the rezoning of the property from General Commercial District to Public District. The Comprehensive Plan currently shows the subject property as appropriate for General Commercial land use(s) and Agriculture, Limited Agriculture and Park Forest land use(s). An application for an Amendment to the Comprehensive Plan (03CA021) has been submitted in conjunction with this rezoning request.

**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.*

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The subject property was annexed into the City in July 2000 and subsequently rezoned General Commercial District. The United States Forest Service has recently purchased the property and intends to consolidate a number of facilities at this location. Rezoning the property from General Commercial District to Public District appears to be appropriate based on the recent acquisition of the property by the Federal Government. An application to rezone the adjacent property located to the west from Medium Density Residential District to Public District (03RZ036) is a companion item.

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

Property located to the north of the subject property is zoned No Use District. The property located to the south and east of the subject property is zoned General Commercial District. The property located to the west of the subject property is zoned Medium Density Residential District. Land located along the corridor of U.S. Highway 16 is zoned General Commercial District. Based on the recent acquisition of the property and the intended use of the site by the United States Forest Service, rezoning the property from General Commercial District to Public District would be consistent with the intent and purposes of this 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 amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure. As noted above, the property has been purchased by the United States Forest Service and is adjacent to U.S. Highway 16. The property has access from Moon Meadows Road.

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 Rapid City Comprehensive Plan for this area currently identifies the subject property as appropriate for general commercial land use(s) on the east 400 feet of the property and limited agriculture, agricultural and park forest land use(s) on the balance of the property. A Comprehensive Plan Amendment to change the land use from General Commercial land use(s) to Public land use(s) and from Agriculture, Limited Agriculture and Park Forest land use(s) to Public land use(s) has been submitted in conjunction with this rezoning request. Upon approval of the Comprehensive Plan Amendment, rezoning the subject property from General Commercial District to Public District appears to be appropriate.

As of this writing, the sign has been posted on the property, but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the September 25, 2003 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding this request.