

STAFF REPORT

October 23, 2003

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**No. 03RZ042 - Rezoning from No Use District to Office Commercial District**

**ITEM 30**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	<b>No. 03RZ042 - Rezoning from No Use District to Office Commercial District</b>
EXISTING LEGAL DESCRIPTION	A previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence S72°37'41"W along a non-visual line, 1200.17 feet to the TRUE POINT OF BEGINNING; thence S88°41'51"E 440.00 feet; thence S01°18'09"W 931.03 feet; thence N87°48'27"W 440.05 feet; thence N01°18'09"E 924.20 feet to the TRUE POINT OF BEGINNING; said parcel containing 9.37 acres more or less
PARCEL ACREAGE	Approximately 9.37 acres
LOCATION	South of Catron Boulevard and east of U.S. Highway 16
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	Low Density Residential District w/Planned Residential Development
East:	No Use District
West:	General Commercial District w/Planned Commercial Development
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	09/12/2003
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to Office Commercial District be approved in conjunction with a Planned Development Designation and the related Comprehensive Plan Amendment.

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GENERAL COMMENTS: This property is located south of Catron Boulevard and east of U.S. Highway 16. The subject property is currently in a No Use Zoning District. Property located south of the subject property is zoned Low Density Residential with a Planned Development Designation. Property located west of the subject property is zoned General Commercial with a Planned Development Designation. The properties located north and east of the subject property are zoned No Use District. The South Robbinsdale Neighborhood Area Future Land Use indicates the subject property is appropriate for Planned Residential Development with a maximum density of one dwelling unit per acre land use(s). The land use for property located north and east of the subject property is Planned Residential Development with a maximum density of one dwelling unit per acre. The land use for property located west of the subject property is General Commercial with a Planned Commercial Development.

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.*

Annexation of the subject property was completed in 1998. All annexed lands are temporarily placed in the No Use Zoning District. 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 properties located to the north and east of the subject property are zoned No Use District. The property located to the south of the subject property is zoned Low Density Residential District with a Planned Development Designation. The property located to the west of the subject property is zoned General Commercial District with a Planned Development Designation. The applicant met with the Future Land Use Committee to discuss changing the Rezoning of the subject property from No Use District to Office Commercial District with a Planned Development Designation. The Future Land Use Committee noted that that the subject property is adjacent to land use that is designated General Commercial with a Planned Commercial Development to the west. The Committee also noted that the Office Commercial land use(s) would be an appropriate buffer between the General Commercial land use(s) to the west and the residential land use(s) to the east. The Future Land Use Committee recommended the requested changes in land use and rezoning of the subject property. An application for a Planned Development Designation (03PD050) has been submitted in conjunction with this Rezoning from No Use District to Office Commercial District.

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.*

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The amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure. As noted above, the property is adjacent to the proposed Physician Drive and will be a buffer between the adjacent general commercial land use(s) and the residential land use(s).

- 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 South Robbinsdale Neighborhood Area Land Use Plan for this area currently identifies the subject property as appropriate for Planned Residential Development with a maximum of one dwelling unit per acre land use(s). An Amendment to the Comprehensive Plan to change the land use designation from Planned Residential Development with a maximum of one dwelling unit per acre to Office Commercial with a Planned Commercial Development (03CA034) and General Commercial with a Planned Commercial Development to Office Commercial with a Planned Commercial Development (03CA035) has been submitted in conjunction with this rezoning request. With the approval of the Amendments to the Comprehensive Plan, the rezoning the subject property from No Use District to Office Commercial District in conjunction with a Planned Development Designation appears to be appropriate.

As of this writing, the sign has been posted on the property, and the receipts from the certified mailing have been returned. Staff has received three inquiries regarding this request.