

STAFF REPORT
October 7, 2004

No. 04RZ039 - Rezoning from General Agriculture District to General Commercial District **ITEM 18**

GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST	No. 04RZ039 - Rezoning from General Agriculture District to General Commercial District
EXISTING LEGAL DESCRIPTION	Tract C of the SW¼ and an unplatted portion of the SW¼ of Sec. 29, and SE¼ of Section 30, T2N, R8E, Rapid City, Pennington County, South Dakota described as follows: Beginning at the northwest intersection of the Right-of-way of Cherry Avenue and Sunnyside Avenue, Thence First Course: S90°00'00"W - 170.00'; Thence Second Course: N50°00'00"E - 843.73'; Thence Third Course: N00°00'00"E - 600.54'; Thence Fourth Course: N90°00'00"W - 1000.49'; Thence Fifth Course: N00°04'37"W - 1076.46'; Thence Sixth Course: Along an arc to the right with a chord bearing S74°34'20"E and a length of 637.90' with radius of 2142.00' an arc length of 640.29'; Thence Seventh Course: Along an arc to the right with radius of 2906.00' an arc distance of 221.90'; Thence Eighth Course: S61°38'02"E - 1274.64'; Thence Ninth Course: S41°50'06"E - 132.85'; Thence Tenth Course: S61°38'02"E - 225.00'; Thence Eleventh Course: S68°57'37"E - 352.88'; Thence Twelfth Course: S61°38'02"E - 175.00'; Thence Thirteenth Course: S50°01'40"E - 101.98'; Thence Fourteenth Course: S61°20'16"E - 125.00'; Thence Fifteenth Course: S72°38'51"E - 101.98'; Thence Sixteenth Course: S61°56'20"E - 315.51'; Thence Seventeenth Course: S00°07'29"E - 311.11'; Thence Eighteenth Course: S00°07'37"E - 280.18'; Thence Nineteenth Course: S00°07'31"E - 347.13'; Thence Twenty-first Course: N63°19'45"W - 138.40'; Thence Twentieth Course: Along an arc to the left chord bearing N86°23'34"W a distance of 1704.20' which radius is 2173.30' an arc distance of 1751.19'; Thence Twenty-second Course: N00°11'27"W - 145.14'; Thence Twenty-third Course: S89°51'40"W - 920.61' to the Point of Beginning, containing 93.2 Acres more or less
PARCEL ACREAGE	Approximately 93.2 Acres
LOCATION	Lying south of Interstate 90, east of Spruce Street, north of Anamosa Street and north of the existing Railroad right-of-way, and approximately 1000 feet west of the

STAFF REPORT
October 7, 2004

No. 04RZ039 - Rezoning from General Agriculture District to General Commercial District **ITEM 18**

the applicant on September 10, 2004. Due to the length of the meeting, the Committee will meet again on September 17, 2004 to review the application. Staff recommends that this application be continued to the October 7, 2004 Planning Commission meeting to allow the Future Land Use Committee to review the application and provide their recommendation (Revised 9-10-04). **The Future Land Use Committee met on September 17, 2004 to review this application and based on the additional site plan submitted, recommended approval (Revised 9-28-04).**

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.*

The subject property is located in an area that is proposed for development in the future. The undeveloped property is located adjacent to U.S. Interstate 90 and located east of the I-90/Lacrosse Street interchange and west of the I-90/Highway 16 interchange. The applicant has indicated that the property is now ready for development due to the location and visibility of the property. The expansion of water and sewer is proposed for this area. The proposal to rezone the subject property to a General Commercial Zoning District is reflective of commercial development in the area with the expansion of water, sewer and road expansion.

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

The General Commercial Zoning District is established to provide areas for personal and business services and the general retail business of the city. The subject property is located adjacent to US Interstate 90 to the north, the proposed Anamosa Street right-of-way to the south, LaCrosse Street to the west and I-90 Exit 60 to the east. The location of the subject property is adjacent to properties zoned General Commercial District and adjacent to open undeveloped areas. Staff believes this rezoning is appropriate given the location of the subject property and the availability of infrastructure in the general area. Due to the location and visibility of the subject property adjacent to US Interstate 90 and potential traffic and infrastructure improvements, staff is recommending approval of this rezoning in conjunction with a Planned Development Designation. An application for a Planned Development Designation has been submitted in conjunction with this rezoning request.

- 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.*

Staff is not aware of any adverse effects that would result from rezoning the subject property from General Agriculture District to General Commercial District. The Planned Development Designation submitted in conjunction with this rezoning request will address additional landscaping, traffic and infrastructure improvements

STAFF REPORT
October 7, 2004

No. 04RZ039 - Rezoning from General Agriculture District to General Commercial District **ITEM 18**

and will allow any potential impacts to be mitigated.

- 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 Comprehensive Plan indicates that the subject property is appropriate for Medium Density Residential land uses and General Commercial land uses. Applications for Amendments to the Comprehensive Plan have been submitted in conjunction with this rezoning to change the land use from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development (04CA033 and 04CA039). If the Amendments to the Comprehensive Plan are approved, this rezoning request will then be consistent with the City's Comprehensive Plan. Rezoning the subject property in conjunction with a Planned Development Designation appears to be appropriate.

As of this writing, the required rezoning sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received one inquiry regarding the proposed rezoning at the time of this writing (Revised 9-28-04).