

STAFF REPORT
October 7, 2004

**No. 04RZ044 - Rezoning from Medium Density Residential District ITEM 19
to General Commercial District**

GENERAL INFORMATION:

PETITIONER	Dream Design International
REQUEST	No. 04RZ044 - Rezoning from Medium Density Residential District to General Commercial District
EXISTING LEGAL DESCRIPTION	Beginning at a point N89°44'10"E and a distance of 80.00' from the SE corner of Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota: Thence First Course: N00°15'50"W - 379.98'; Thence Second Course: S89°38'28"W - 80.00'; Thence Third Course: N00°15'25"W - 714.05'; Thence Fourth Course: N89°42'58"E - 40.76'; Thence Fifth Course: Along an arc to the right with a chord bearing S88°05'47"E a distance of 221.85' which radius is 2906.00' an arc distance of 221.90'; Thence Sixth Course: Along an arc to the right with a chord bearing S84°31'20"E a distance of 103.66' which radius is 2142.00' an arc distance of 103.67'; Thence Seventh Course: S00°04'37"E - 1076.46'; Thence Fourth Course: N90°00'00"W - 282.17' to the Point of Beginning, containing 8.4 Acres more or less
PARCEL ACREAGE	Approximately 8.4 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 intersection of I-90 and Exit 60 (East North Street)
EXISTING ZONING	Medium Density Residential
SURROUNDING ZONING	
North:	Light Industrial District
South:	Medium Density Residential
East:	General Agriculture District
West:	General Commercial District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	8/19/2004
REVIEWED BY	Karen Bulman / Curt Huus

RECOMMENDATION: Staff recommends that the Rezoning from Medium Density

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Residential District to General Commercial District be **approved in conjunction with the related Amendment to the Comprehensive Plan and Planned Development Designation.**

GENERAL COMMENTS: This staff report has been revised as of **September 28, 2004. All revised and/or added text is shown in bold print.** This undeveloped property contains approximately 8.4 acres and is located 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 intersection of I-90 and Exit 60 (East North Street).

The property located north of the subject property is zoned Light Industrial District. The property located west of the subject property is zoned General Commercial District. The property located south of the subject property is zoned Medium Density Residential District. The property located east of the subject property is zoned General Agriculture District.

The property owner has submitted several applications in conjunction with this rezoning request including; rezoning from General Agriculture District to General Commercial District (04RZ039), Comprehensive Plan Amendment to change the land use from Medium Density Residential to General Commercial with a Planned Commercial Development (04CA039), and two Comprehensive Plan Amendment to change the land use from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development (04CA033 and 04CA038).

STAFF REVIEW: The applicant has requested to meet with the Future Land Use Committee and requests that this application be continued. Therefore, Staff recommends that this proposed rezoning from Medium Density Residential District to General Commercial District be continued to the September 23, 2004 Planning Commission meeting to allow the Future Land Use Committee to meet with the applicant. The Future Land Use Committee met with 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 of the related Comprehensive Plan Amendments (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 applicant has indicated that the property is now ready for development

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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 and sewer.

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 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. Additional landscaping buffers will be required adjacent to Interstate 90 as per the North Rapid Future Land Use Plan. 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.*

The subject property is located adjacent to General Commercial Zoning Districts and adjacent to Interstate 90 with access points to the Interstate system located on the west side of the subject property. The extension of water and sewer are available. It is important for cities to classify areas of the city as appropriate for commercial use. Staff is not aware of any adverse effects that would result from rezoning the subject property from Medium Density Residential District to General Commercial District. The Planned Development Designation submitted in conjunction with this rezoning request will address additional landscaping, traffic and infrastructure improvements 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, Medium Density Residential with a Planned Residential Designation land uses and General Commercial with a Planned Commercial Development. Applications for Amendments to the Comprehensive Plan have been submitted in conjunction with this rezoning to change the land uses from Medium Density Residential and Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development (04CA038 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

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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).