

STAFF REPORT
December 9, 2004

No. 04RZ053 - Rezoning from General Agriculture District to General Commercial District **ITEM 43**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 04RZ053 - Rezoning from General Agriculture District to General Commercial District
EXISTING LEGAL DESCRIPTION	Commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N51°14'38"E a distance of 1781.74 feet to the point of beginning; thence S83°15'56"E a distance of 485.70 feet; thence N27°29'45"E a distance of 202.66 feet; thence N62°31'55"W a distance of 476.05 feet; thence S27°28'05"W a distance of 278.96 feet; thence along the arc of a curve to the left whose radius point bears S62°31'55"E, having a radius of 220.67 feet, a central angle of 24°05'58" and an arc length of 92.82 feet; thence S3°22'06"W a distance of 6.07 feet; to the point of beginning, containing an area of 3.2 acres, all located in the SE1/4 SE1/4 and NE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 3.2 acres
LOCATION	Northwest of Fifth Street and Catron Boulevard
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District
South:	General Agriculture District
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	11/12/2004
REVIEWED BY	Karen Bulman / Curt Huus

RECOMMENDATION: Staff recommends that the Rezoning from General Agriculture District to General Commercial District be approved with the following stipulations:

1. Approval will be in conjunction with the related Amendment to the Comprehensive Plan;

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2. Approval will be in conjunction with the related Planned Development Designation; and,
3. Prior to the City Council approval, the applicant shall obtain approval of an approach permit for the construction of a full street intersection on Catron Boulevard west of 5th Street as shown on the concept plan.

GENERAL COMMENTS: This undeveloped property contains approximately 3.2 acres and is located at the northwest corner of Fifth Street and Catron Boulevard. The property was annexed in 1993 and zoned General Agriculture District. The property located north, south, east and west of the subject property is zoned General Agriculture District.

The subject property is a portion of a larger parcel that is proposed to be developed for residential and commercial uses. In conjunction with this rezoning from General Agriculture District to General Commercial District, the applicant has submitted a related request to Amend the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.18 acre parcel from Public to General Commercial with a Planned Commercial Development (04CA046) and a Planned Development Designation (04PD060).

In addition to this application for a Rezoning, the applicant has submitted seventeen requests for Comprehensive Plan Amendments, seven additional Rezoning requests, and six Planned Development Designations on related properties.

STAFF REVIEW: The Rapid City Comprehensive Plan indicates that this property is appropriate for Public land uses. A Comprehensive Plan Amendment to change the indicated land use to General Commercial with a Planned Commercial Development land use has been submitted and will be heard in conjunction with this Rezoning application. If the Comprehensive Plan Amendment for the area is approved, the land use for the subject property would then be appropriate for General Commercial land uses with a Planned Development Designation and the rezoning of this property will be consistent with the adopted land use plan.

The Future Land Use Committee met on November 5, 2004 to review this application and based on the conceptual plan submitted, recommended approval.

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. Several rezoning and Comprehensive Plan Amendment applications accompany this request. The property has been zoned General Agriculture as a holding zone pending any future development of the area. The applicant has indicated that the property is now ready for development due to the location and visibility of the property.

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This undeveloped property is generally located at the northwest corner of 5th Street and Catron Boulevard. The property owner has indicated that this parcel is to be General Commercial with a Planned Commercial Development and is included in a larger parcel that is shown on the conceptual plan to be commercial and residential land uses. Sewer and water are now available within 5th Street adjacent to the subject property. The extension of sewer and water into the subject property will allow continued development of the area and constitutes a further change in conditions of the area requiring rezoning of the property. Rapid City continues to grow in a southerly direction and contiguous development is encouraged.

However, the most significant changing condition is that the Department of Transportation has indicated support for an additional street intersection on Catron Boulevard west of 5th Street. Based on the provision of another full turning movement intersection, the Future Land Use Committee felt additional commercial development is appropriate. As the justification for the proposed modification in land uses relies on the approval of the approach permit authorizing the new intersection, staff recommends that the applicant obtain approval of the approach permit prior to the approval of the rezoning by City Council.

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. Due to the location and visibility of the subject property adjacent to 5th Street and Catron Boulevard, staff is recommending approval of this rezoning in conjunction with a Comprehensive Plan Amendment and 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 5th Street and Catron Boulevard. With the approval of the Comprehensive Plan Amendment and the stipulation requiring approval of an approach permit for the new intersection from the Department of Transportation, staff is not aware of any adverse effects that would result from rezoning the subject property from General Agriculture District to General Commercial District. An Initial and Final Planned Commercial Development will be required to address landscaping, drainage, traffic and infrastructure improvements and to 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 Public land uses. An application for an Amendment to the Comprehensive Plan has been submitted in conjunction with this rezoning to change the land use to General Commercial with a Planned

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Commercial Development (04CA046). A Planned Development Designation (04PD060) accompanies this application. The Future Land Use Committee met on November 5, 2004 and based on the conceptual plan submitted, recommended approval of the Comprehensive Plan Amendment. If the Amendment to the Comprehensive Plan is approved, this rezoning request will then be consistent with Rapid City's Comprehensive Plan. With the recent extension of 5th Street to Catron Boulevard and the extension of infrastructure within 5th Street, rezoning the subject property in conjunction with a Planned Development Designation appears to be appropriate.

As of this writing, the required rezoning sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the December 9, 2004 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.