

STAFF REPORT  
November 23, 2005

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**No. 05RZ060 - Rezoning from General Agriculture to Office Commercial      ITEM 33**

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GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc. for Thomas O'Meara
REQUEST	<b>No. 05RZ060 - Rezoning from General Agriculture to Office Commercial</b>
EXISTING LEGAL DESCRIPTION	Beginning at the southwest corner of Lot B of the SW1/4, Section 14, T1N, R7E, BHM, less lot H-1, Lot B, which is a concrete highway right-of-way monument, which is the true point of beginning: Thence; N05°30'18"E, a distance of 252.53 feet, Thence; N89°45'39"E, a distance of 127.81 feet, Thence; S14°14'34"W, a distance of 289.32 feet, Thence; N70°33'57"W, a distance of 85.74 feet, to the true point of beginning; all located in the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; containing 0.652 acres more or less.
PARCEL ACREAGE	Approximately .652 acres
LOCATION	Adjacent to Tower Road and South Dakota Highway 16
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District
South:	Right-of-Way
East:	General Commercial District
West:	General Agriculture District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/28/2005
REVIEWED BY	Karen Bulman / Michelle Horkey

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture to Office Commercial be approved in conjunction with the associated Comprehensive Plan Amendment.

GENERAL COMMENTS:

This undeveloped property contains approximately .652 acres and is located adjacent to Tower Road on the west and U.S. Highway 16 on the east. Land located north and east of the subject property is zoned General Commercial District. Land located west of the property is zoned Park Forest District. Land located south of the subject

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property is street right-of-way. An application for a Comprehensive Plan Amendment (05CA043) has been submitted in conjunction with the rezoning of the property.

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.*

This undeveloped property is zoned General Agriculture District as a holding zone. The property owner recently submitted a Preliminary Plat to subdivide an adjacent larger commercial property into a commercial parcel and a residential parcel as part of the sale of the commercial parcel. An application to rezone the subdivided residential property to Office Commercial has been submitted (05RZ059). At this time the property owner wishes to plan the future development of the subject property together with the adjacent residential property located to the north. As such, the applicant has submitted this request to rezone the subject property from General Agriculture to Office Commercial.

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

The Office Commercial Zoning District is intended to provide a place for those types of institutional and commercial activities that require separate buildings and building groups surrounded by landscaped yards and opens areas. The area on Tower Road is a mixture of residential and commercial development. The subject property is located adjacent to General Agriculture, General Commercial, and Park Forest Zoning Districts. Office Commercial District is an appropriate transition from General Commercial Zoning to Park Forest Zoning at this particular location and would allow residential uses on the property.

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 has not identified any significant adverse affects on any of the surrounding land uses or any other part of the City.

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 adopted US Highway 16 Future Land Use Plan identifies this area as appropriate for General Commercial land uses. Adjacent properties are identified as appropriate for land uses for Planned Residential Development with a maximum density of three dwelling units per acre. An application for a Comprehensive Plan Amendment to change the land use from General Agriculture land use to Office Commercial Land use has been submitted with this application for rezoning. The designation of Office Commercial zoning at this location would be appropriate as the property is located between a City street (Tower Road) and a

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State Highway (U.S. Highway 16 / Mt. Rushmore Road). City sewer and water may be extended to the subject property. Staff recommends approval of the request to change the land use from General Agriculture uses to Office Commercial land uses.

As of this writing, the required rezoning 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 November 23, 2005 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.