

STAFF REPORT
March 22, 2007

No. 07RZ015 - Rezoning from General Agriculture District to General Commercial District **ITEM 25**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07RZ015 - Rezoning from General Agriculture District to General Commercial District
EXISTING LEGAL DESCRIPTION	Commencing at a Point, Said Point Being the Northeast Corner of the Intersection of Spruce Street and Farnwood Avenue; THENCE S78°28'21"E 1307.95' To The POINT OF BEGINNING. THENCE S00°14'24"W 247.21'; THENCE S00°14'24"W 6.68'; THENCE N60°50'50"W 252.30'; THENCE N60°50'50"W 364.08'; THENCE S61°23'38"E 613.20'; THENCE N00°14'32"E 247.21' To The POINT OF BEGINNING, The Whole Enclosing an Area of 00.04 ACRES, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.04 acres
LOCATION	East of Farnwood Avenue
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District (Planned Development Designation)
South:	General Agriculture District
East:	General Commercial District (Planned Development Designation)
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	2/23/2007
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Development Designation.

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GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of a 0.04 acre parcel from General Agriculture District to General Commercial District. In addition, the applicant has submitted an Amendment to the Comprehensive Plan (#07CA010) to change the land use designation of the 0.04 acres from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development. The applicant has also submitted a Planned Development Designation request (#07PD016) for the 0.04 acre parcel. In addition, the applicant has submitted a Preliminary Plat (#07PL038) to subdivide 126.54 acres, including the subject property, into 24 commercial lots and to vacate a 30 foot wide private access easement, to vacate a portion of a section line highway located between Sections 29 and 32, to vacate a portion of a section line highway located between Sections 29 and 30, to vacate a portion of Rapp Street and to vacate a 66 foot wide public access easement. The applicant has also submitted a Variance to the Subdivision Regulations (#07SV013) to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement and to dedicate additional rights-of-way and/or easement(s). In addition, the applicant has submitted a Vacation of Right-of-way request (#07VR002) to vacate a portion of Rapp Street currently located in an H Lot. The applicant has also submitted a Vacation of Right-of-way request (#07VR003) to vacate a portion of Farnwood Avenue, also located within an H Lot. The commercial development is to be known as "Rushmore Crossing".

On August 1, 2005, the City Council approved a Layout Plat (#05PL085) to subdivide a 95.28 acre parcel into 17 commercial lots. The Layout Plat included the subject property.

On February 6, 2006, the City Council approved Tax Increment District #56 for the construction of streets, traffic signals, a regional drainage detention dam, high pressure water main and sanitary sewer main and the relocation of power lines associated with the proposed Rushmore Crossing project.

On October 2, 2006, the City Council approved a Layout Plat (#06PL142) to subdivide a 117.29 acre parcel into 15 commercial lots and two detention pond lots. The Layout Plat included the subject property and was slightly revised from the Layout Plat approved in 2005 by expanding the boundaries and reconfiguring the proposed lot(s).

The property is located between LaCrosse Street and E. North Street on the south side of U.S. Highway I-90 and is currently void of any structural development.

STAFF REVIEW: This undeveloped property contains approximately 0.04 acres and is located south of the eastern terminus of Farnwood Avenue, east of LaCrosse Street and south of Interstate 90. The property is currently zoned General Agriculture District. Land located north and east of the subject property is zoned General Commercial District with a Planned Development Designation. The property located south of the subject property is zoned General Agriculture District. The property located west of the subject property is zoned Medium Density Residential District. Staff has reviewed this proposed rezoning for conformance with the four criteria for review of zoning map amendments established in Section 17.540.040(D)(1). A summary of Staff findings are outlined below:

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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 zoned General Agriculture as a holding zone. The property located north and east of the subject property is currently zoned General Commercial District with a Planned Development Designation in anticipation of a proposed commercial development. The associated Preliminary Plat to create 24 commercial lots includes the subject property. The proposed rezoning of the subject property to General Commercial will allow the entire property to be zoned appropriately for the proposed commercial development. The continued growth and development in the area constitute the changing conditions that warrant the proposed zoning change.

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

The General Commercial Zoning District is for personal and business services and the general retail business of the city. The subject property is located adjacent to General Commercial Zoning Districts. Water and sewer facilities are present in the area and will be extended as a part of the development of the site. The proposed rezoning appears to be consistent with the intent of the Zoning 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.*

The existing streets and utilities adjacent to the subject property are designed to serve a General Commercial development. LaCrosse Street, a principal arterial street on the City's Major Street Plan, is located west of the subject property. In addition, E. North Street, a minor arterial street on the City's Major Street Plan, is located east of the subject property. Future street improvements and infrastructure improvements will be completed with the future commercial development of the subject property. As such, the proposed amendment does not appear to have any significant adverse effect on the surrounding properties or on public infrastructure.

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 Land Use Plan identifies this area as appropriate for Medium Density Residential land uses with a Planned Residential Development. An application for a Comprehensive Plan Amendment to change the land use on the subject property to General Commercial with a Planned Commercial Development has been submitted in conjunction with the Rezoning request for the subject property. If the Comprehensive Plan Amendment is approved, the proposed rezoning would be consistent with the adopted plans.

As of this writing, the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the March 22, 2007 Planning Commission meeting if this

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requirement has not been met.