

STAFF REPORT
January 24, 2008

No. 07RZ074 - Rezoning from General Agriculture District to General Commercial District **ITEM 18**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	ZCO Incorporated
REQUEST	No. 07RZ074 - Rezoning from General Agriculture District to General Commercial District

EXISTING
LEGAL DESCRIPTION

A portion of the NW1/4 of the NE1/4, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Thence, first course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 05°11'13", a length of 272.92 feet, a chord bearing of N79°49'24"E, and chord distance of 272.83 feet; Thence, second course: S15°38'39"E, a distance of 95.46 feet; Thence, third course: S74°21'21"W, a distance of 66.33 feet; Thence, fourth course: curving to the right, on a curve with a radius of 1000.00 feet, a delta angle of 03°39'13", a length of 63.77 feet, a chord bearing of S76°10'58"W, and chord distance of 63.76 feet; Thence fifth course: S78°00'34"W, a distance of 66.26 feet, to the end of dedicated Marlin Drive centerline; Thence sixth course: S78°00'34"W, along the centerline of Marlin Drive, a distance of 201.84 feet, to the intersection of centerline Marlin Drive and Creek Drive; Thence seventh course: curving to the right, along the centerline of Creek Drive, on a curve with a radius of 1000.00 feet, a delta angle of 05°21'24", a length of 93.49 feet, a chord bearing of N09°18'43"W, and chord distance of 93.46 feet; Thence eighth course: N06°38'01"W, along the centerline of Creek Drive, a distance of 422.07 feet, to a point on the southerly right-of-way of Elk Vale Road; Thence ninth course: curving to the left, along the southerly edge of right-of-way of Elk Vale Road, on a curve with a radius of 3014.79 feet, a delta angle of 00°57'11", a length of 50.15 feet, a chord bearing of N82°50'59"E, and chord distance of 50.15 feet, to the southeasterly corner of right-of-way common to Creek Drive and Elk Vale Road, and the point of beginning; Said Parcel contains 182,629 square feet or 4.193 acres

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more or less

PARCEL ACREAGE Approximately 4.193 acres

LOCATION Northeast of the intersection of Creek Drive and Marlin Drive

EXISTING ZONING General Agriculture District

SURROUNDING ZONING

 North: General Agriculture District

 South: General Agriculture District

 East: General Agriculture District

 West: General Agriculture District - General Commercial District
 (Planned Development Designation)

PUBLIC UTILITIES City water and sewer

DATE OF APPLICATION 10/12/2007

REVIEWED BY Travis Tegethoff / Mary Bosworth

RECOMMENDATION: Based on the recommendations of the Future Land Use Committee on the related Comprehensive Plan Amendment, staff recommends that the Rezoning from General Agriculture District to General Commercial District be approved in conjunction with the associated Amendment to the Adopted Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development.

GENERAL COMMENTS: (Update January 15, 2008. All revised text is shown in bold.) This item was continued to the January 24, 2008 Planning Commission meeting to allow the title to be corrected on the associated Amendment to the Adopted Comprehensive Plan (see #07CA065). The applicant has submitted a Rezoning request to change the zoning designation of the property from General Agricultural District to General Commercial District. This undeveloped property contains approximately 4.193 acres and is located northeast of the intersection of Creek Drive and Marlin Drive. In addition, the applicant has submitted an Amendment to the Adopted Comprehensive Plan (#07CA052) to change the land use designation from General Agriculture to General Commercial. Land located north, south, and east of the property is zoned General Agricultural District. Land located west of the property is zoned General Agricultural District and General Commercial District with a Planned Development Designation. The adopted Long Range Comprehensive Plan indicates that this property is appropriate for General Agricultural land uses. The Draft Future Land Use Plan for the Southeast Connector Neighborhood indicates that this property is appropriate for Office Commercial land uses.

On June 7, 2004 City Council approved an Annexation (#04AN003) that included the

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subject property and temporarily placed the area in a No Use Zoning District.

On September 4, 2007, City Council approved an Amendment to the Adopted Comprehensive Plan (#07CA008) to change the land use designation from General Agriculture to General Commercial for the adjacent property.

On September 4, 2007, City Council approved Rezoning (#07RZ012) from No Use District to General Commercial District for the adjacent property.

On October 30, 2007 a Planned Development Designation (#07PD092) was approved for the property.

On November 19, 2007, City Council approved a Preliminary Plat (#07PL132) with stipulations that included this 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.*

The annexation of the property and the approved plat constitutes the changing conditions requiring rezoning of the property. Amendments to the existing zoning are appropriate.

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

The General Commercial Zoning District is intended to be used for personal and business services and the general retail business of the city. The proposed zoning is consistent with the proposed zoning of the adjacent properties. The area to the west and south is proposed to be zoned commercial and industrial and the area east of the property is proposed for residential development based on the Draft Future Land Use Plan for the Southeast Connector Neighborhood.

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.*

Water and sewer mains have been extended to the property. A Planned Development Designation was submitted and approved for the subject property. The additional review provided by an Initial and Final Planned Commercial Development process will insure that possible adverse impacts of development are mitigated. Based on the provision of a Planned Development, staff has not identified any significant adverse impacts that will result from the requested rezoning.

4. *The proposed amendments shall be consistent with and not conflict with the*

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Development Plan of Rapid City including any of its elements, Major Street Plan, Land Use Plan, and Community Facilities Plan.

The Long Range Comprehensive Plan indicates that this property is appropriate for General Agricultural land uses. The Draft Future Land Use Plan for the Southeast Connector Neighborhood indicates that this property is appropriate for General Commercial land uses with a Planned Development Designation. If the associated Comprehensive Plan Amendment is approved, the rezoning request will be consistent with the adopted Future Land Use Plan. For this reason, staff is recommending approval of the rezoning request in conjunction with the associated Comprehensive Plan Amendment.

The required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.