

STAFF REPORT  
July 24, 2008

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**No. 08RZ007 - Rezoning from Office Commercial District to General Commercial District**      **ITEM 7**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Homestead Plaza, LLC
REQUEST	<b>No. 08RZ007 - Rezoning from Office Commercial District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	A portion of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ , Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 4 of Big Sky Business Park, common to the southeasterly corner of Lot 2 of Block 4 of Big Sky Business Park, and the point of beginning, Thence, first course: S89°47'32"E, along the southerly boundary of said Lot 3 of Block 4, a distance of 199.60 feet, to the southeasterly corner of said Lot 3 of Block 4; Thence, second course: S89°44'39"E, a distance of 30.00 feet; Thence, third course: S00°06'50"W, a distance of 1025.13 feet, to a point on the northerly boundary of Tract A of F & N Subdivision; Thence, fourth course: N89°48'13"W, along the northerly boundary of said Tract A, a distance of 229.83 feet; Thence, fifth course: N00°07'35"E, a distance of 1025.15 feet, to the southwesterly corner of said Lot 3 of Block 4, common to the southeasterly corner of said Lot 2 of Block 3, and the point of beginning
PARCEL ACREAGE	Approximately 5.406 acres
LOCATION	East of Elk Vale Road and west of Degeest Drive and south of Berniece Street
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Commercial Development)
South:	General Agriculture District
East:	Medium Density Residential District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)

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PUBLIC UTILITIES                      City Water/Sewer  
DATE OF APPLICATION                3/28/2008  
REVIEWED BY                          Jared Ball / Karley Halsted

RECOMMENDATION:

Staff recommends that the Rezoning from Office Commercial District to General Commercial District be approved.

GENERAL COMMENTS:

**(Update, July 15, 2008. All revised and/or added text is shown in bold print.) This item has been continued several times to allow the applicant to address utility service boundary issues and capacity issues with Rapid Valley Sanitary District and Rapid City. The applicant has subsequently requested that the associated Preliminary Plat be reviewed and approved in three phases to allow them to address the specific utility service area and capacity issues for each phase of the development.**

The applicant has submitted a request to rezone 5.406 acres from Office Commercial District to General Commercial District. This undeveloped property is located north of Big Sky Drive, east of Timmons Boulevard, west of Digest Drive and south of Bernice Street. The property to the north is currently zoned Office Commercial District with a Planned Commercial Development. The property to the south is currently zoned General Agriculture District, the property to the east is currently zoned Medium Density Residential District with a Planned Development Designation. The property to west is currently zoned General Commercial District with Planned Development Designation.

An associated Comprehensive Plan Amendment (#08CA009) to change the Future Land Use designation from Office Commercial District with a Planned Commercial Development to General Commercial District with a Planned Commercial Development and a Preliminary Plat (#08PL030) have been filed in conjunction with this request.

STAFF REVIEW:

On April 1, 2008, staff met with the applicant to discuss the proposed design and service boundaries of the sanitary sewer system for the development since the southern portion of the property is located within the Rapid Valley Sanitary District service area and the northern portion of the property is located within the City of Rapid City's service area. Staff is recommending that the Preliminary Plat be continued to the May 8, 2008 Planning Commission meeting with the applicant's concurrence to allow the service area issue to be addressed. Staff is also recommending that this item be continued to the May 8, 2008 Planning Commission meeting to allow it to be heard in conjunction with the associated Preliminary Plat.

**On July 10, 2008 The Rapid City Planning Commission approved the Phase One Preliminary Plat (File #08PL030). The applicant has demonstrated that an adequate**

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**sanitary sewer system to serve the property will be provided through the platting process. In addition, the Planned Development review will serve as another tool to address sanitary sewer concerns specific to the property.**

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments established in Section 17.54.040 (D) (1). A summary of Staff findings is outlined below:

1. *The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in general.*

Six properties in the Homestead Plaza Subdivision are involved in the proposed Comprehensive Plan Amendments and Rezones. The applicant is requesting to change the zoning designations and Comprehensive Plan designations on all six of the properties. The future extension of Homestead Street and Neal Street along with the continued growth and development in the area constitutes the changing condition that necessitates the proposed rezoning.

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

The purpose of the zoning ordinance is to promote the safety, health, morals, convenience and general welfare; to encourage the use of lands and natural resources in the city in accordance with their character, adaptability and suitability for particular purposes; to conserve social and economic stability, property values, and the general character and trend of community development; to prevent excessive concentration of population; to lessen congestion of streets and highways, sewerage and drainage, water supply and distribution, educational, and other public resources. The proposed rezoning request meets these standards and is in compliance with the purpose of the zoning ordinance.

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 amendment.*

The development of Elk Vale Road and the surrounding development has resulted in the extension of City water to this area. Homestead Street and Neal Street will be extended to serve the needed road infrastructure in the Homestead Plaza Subdivision. As such, the proposed amendment does not appear to have any significant adverse effect on the surrounding properties if adequate infrastructure is extended in conjunction with the development of the property.

4. *The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan, and others.*

The Major Street Plan identifies Homestead Street and Neal Street as collector streets. Allowing commercial and residential use(s) along a collector street is in compliance with the Major Street Plan. The applicant has demonstrated that an adequate sanitary sewer system

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to serve the property will be provided through the platting process that will include Phases Two and Three. In addition, the Planned Development review will serve as another tool to address concerns specific to the property. Upon approval of the associated Comprehensive Plan Amendment request, the Rezoning request will be in compliance with the Long Range Future Land Use Plan.

Notification:

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