

STAFF REPORT
July 24, 2008

**No. 08RZ011 - Rezoning from General Agriculture District to Office
Commercial District**

ITEM 16

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	DTH, LLC
REQUEST	No. 08RZ011 - Rezoning from General Agriculture District to Office Commercial District

EXISTING
LEGAL DESCRIPTION

A portion of Tract A of F&N Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Tract A of F & N Subdivision, thence S89°48'53"E, along the northerly boundary of said Tract A, a distance of 168.32 feet, to the point of beginning; Thence, first course: S89°47'42"E, along the northerly boundary of said Tract A, a distance of 701.98 feet, to section 1/16th corner; Thence, second course: S00°06'38"W, along the section 1/16th line, a distance of 537.65 feet; Thence, third course: N89°51'50"W, a distance of 98.10 feet; Thence, fourth course: curving to the left, on a curve with a radius of 400.00 feet, a delta angle of 20°23'26", a length of 142.35 feet, a chord bearing of S79°56'27"W, and chord distance of 141.60 feet; Thence, fifth course: S69°44'43"W, a distance of 50.69 feet; Thence, sixth course: S20°15'16"E, a distance of 5.25 feet; Thence, seventh course: curving to the right, on a curve with a radius of 288.00 feet, a delta angle of 20°19'59", a length of 102.21 feet, a chord bearing of S10°05'17"E, and chord distance of 101.67 feet; Thence, eighth course: S00°04'43"W, a distance of 8.38 feet, to a point on the southern boundary of said Tract A; Thence, ninth course: S89°55'23"W, along the southerly boundary of said Tract A, a distance of 29.49 feet, to the northeasterly corner of Block 2 of Neff's Subdivision No. 2; Thence, tenth course: N89°50'11"W, along the southerly boundary of said Tract A, common to the northerly boundary of said Block 2, a distance of 161.21 feet, to the a southerly corner of said Tract A, common to the northwesterly corner of said Block 2; Thence, eleventh course: N00°09'08"E, a distance of 31.62 feet; Thence, twelfth course: N20°15'16"W, a distance of 707.30 feet, to a point on the northerly boundary of said Tract A, and the point of beginning

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PARCEL ACREAGE	Approximately 8.213 acres
LOCATION	Southwest of the intersection of Big Sky Drive and Degeest Drive and east of Elk Vale Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Office Commercial District (Planned Development Designation)
South:	Suburban Residential District (Pennington County)
East:	General Agriculture District
West:	General Agriculture District
PUBLIC UTILITIES	City and Rapid Valley sanitary District Water/Sewer
DATE OF APPLICATION	3/28/2008
REVIEWED BY	Jared Ball / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to Office 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 8.213 acres from General Agricultural District to Office Commercial District. This undeveloped property is located north of Emily Lane, east of Neel Street, west of Degeest Drive and south of Homestead Street. The property to the north is currently zoned Office Commercial District with a Planned Development Designation. The property to the south is currently zoned Suburban Residential in Pennington County. The property to the east is currently zoned General Agricultural District and the property to the west is currently zoned General Agricultural District.

An associated Comprehensive Plan Amendment (#08CA011) to change the Future Land Use designation from Office Commercial to Public and a Preliminary Plat (#08PL030) have been filed in conjunction with this request.

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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 sanitary sewer system to serve the property will be provided through the platting process.

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

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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 Neel 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 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.