

STAFF REPORT
July 24, 2008

No. 08RZ020 - Rezoning from General Agriculture District to General Commercial District ITEM 19

GENERAL INFORMATION:

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| APPLICANT/AGENT | Melanie Lien Palm |
| PROPERTY OWNER | Nine Liens |
| REQUEST | No. 08RZ020 - Rezoning from General Agriculture District to General Commercial District |
| EXISTING LEGAL DESCRIPTION | The balance of Lot 1 of Silver Strike Subdivision in Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota |
| PARCEL ACREAGE | Approximately 37.81 acres |
| LOCATION | 2203 Distribution Lane |
| EXISTING ZONING | General Agriculture District |
| SURROUNDING ZONING | |
| North: | Heavy Industrial District |
| South: | General Commercial District |
| East: | General Agriculture District |
| West: | General Commercial District |
| PUBLIC UTILITIES | Private water and sewer |
| DATE OF APPLICATION | 5/28/2008 |
| REVIEWED BY | Travis Tegethoff / Ted Johnson |

RECOMMENDATION:

Staff recommends that the rezoning request from General Agriculture District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and with the following stipulation:

- 1. Prior to City Council approval, a Planned Development Designation shall be submitted for review and approval.**

GENERAL COMMENTS: (Update: July 15, 2008. All revised and/or added text is shown in bold.) **This item was continued to the July 24, 2008 Planning Commission meeting at the applicant's request.**

The applicant has submitted a Rezoning request to change the zoning designation of the property from from General Agriculture District to General Commercial District. This

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undeveloped property contains approximately 37.81 acres and is located north of East Mall Drive and west of Dyess Avenue. In addition, the applicant has submitted an Amendment to the Adopted Comprehensive Plan (#08CA020) to change the Future Land Use Plan from Light Industrial to General Commercial. Land located south and west of the property is zoned General Commercial District. Land located north of the property is zoned Heavy Industrial District. Land located east of the property is zoned General Agricultural District. The Northeast Area Future Land Use Plan indicates that this property is appropriate for Light Industrial development.

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 General Agriculture District is a holding zone. Land at the periphery of the City is generally designated as General Agriculture District until such time as urbanization is occurring and the public infrastructure is extended into the area. The completion of East Mall Drive and the future extension of East North Street along the western boundary of the property is the changing condition warranting the change in land use.

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 property in question is adjacent to property currently zoned General Commercial District. In addition, the property's location is in a relatively close proximity to a principal arterial street running parallel to Interstate 90 where there is significant demand for commercial development. The proposed rezoning to General Commercial appears to be consistent with the intent and 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 an amendment.*

The property is located in an area that is developing as a commercial area and is located adjacent to General Commercial Districts, Heavy Industrial Districts and General Agriculture Districts. Future development of the property will require that adequate water and sewer be extended to the development. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from General Agriculture District to General Commercial District.

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.*

Water and sewer services will be extended to the area as part of the platting process and

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future extension of East North Street. The Northeast Area Future Land Use Plan indicates that this property is appropriate for Light Industrial development. If the associated Comprehensive Plan Amendment is approved, the rezoning request will be consistent with the adopted Future Land Use Plan. A companion item, a Comprehensive Plan Amendment to the Future Land Use Designation from Light Industrial to General Commercial (#08CA020) is being considered in conjunction with this request. The Future Land Use Committee will be considering that request at their July 3, 2008 meeting. For this reason, staff will provide a recommendation at the July 10, 2008 Planning Commission meeting.

The Future Land Use Committee considered the request of a Comprehensive Plan Amendment to the Future Land Use Designation from Light Industrial to General Commercial on July 3, 2008 and recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Light Industrial to General Commercial be approved with the stipulation that a Planned Development Designation be reviewed and approved for the property. As such, staff recommends that the rezoning request from General Agriculture District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and with the stipulation that a Planned Development Designation be reviewed and approved for the property.

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 no inquiries or objections regarding the proposed request at the time of this writing.