

STAFF REPORT
September 25, 2008

No. 08RZ031 – Rezoning from General Agriculture District to General Commercial District **ITEM 8**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	HDRK Properties, LLC
REQUEST	No. 08RZ031 - Rezoning from General Agriculture District to General Commercial District

EXISTING
LEGAL DESCRIPTION

A portion of Tract B of Rushmore Center, located in the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Tract B of Rushmore Center, common to a point on the westerly edge of right-of-way of Luna Avenue, common to a point on the northerly edge of right-of-way of Anamosa Street, and the point of beginning, Thence first course: N89°50'44"W, along the southerly boundary of said Tact B, common to the northerly edge of right-of-way of said Anamosa Street, a distance of 159.72 feet; Thence, second course: N00°01'19"W, a distance of 1281.72 feet; Thence, third course: S89°25'05"E, distance of 197.25, to a point on the easterly boundary of said Tract B, common to a point on the westerly edge of right-of-way of said Luna Avenue; Thence, fourth course: curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 00°45'45", a length of 6.34 feet, a chord bearing of S00°13'05"E, and chord distance of 6.34 feet; Thence, fifth course: S00°09'48"W, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 816.29 feet; Thence, sixth course: curving to the right, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of S01°03'52"W, and chord distance of 61.97 feet; Thence, seventh course: S01°57'56"W, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 375.85 feet, to a corner on the easterly boundary of said Tract B, common to a corner on the westerly edge of said Luna Avenue right-of-way; Thence,

STAFF REPORT
September 25, 2008

No. 08RZ031 – Rezoning from General Agriculture District to General Commercial District **ITEM 8**

eighth course: S46°03'36"W, along the easterly boundary of said Tract B, common to the westerly edge of said Luna Avenue right-of-way, a distance of 28.73 feet, to the southeasterly corner of said Tract B, common to a point on the westerly edge of right-of-way of said Luna Avenue, common to a point on the northerly edge of right-of-way of said Anamosa Street, and the point of beginning

PARCEL ACREAGE	Approximately 5.67 acres
LOCATION	At the northwest corner of the intersection of East Anamosa Street and Luna Avenue
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	Medium Density Residential District
East:	General Agriculture District
West:	Medium Density Residential District
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	8/28/2008
REVIEWED BY	Karen Bulman / Ted Johnson

RECOMMENDATION: Based on the recommendations of the Future Land Use Committee on the related Comprehensive Plan Amendments, staff recommends that the Rezoning from General Agriculture District to General Commercial District be approved in conjunction with the associated Amendment to the Comprehensive Plan and the Planned Development Designation.

GENERAL COMMENTS: This undeveloped property contains 5.67 acres and is located at the northwest corner of the intersection of East Anamosa Street and Luna Avenue. The property is currently zoned General Agriculture District as a holding zone. Land located north of the property is zoned General Commercial District with a Planned Commercial Development. Land located south and west of the property is zoned Medium Density Residential District. Land located east of the property is zoned General Agriculture District as a holding zone. In addition to this application for a Rezoning from General Agriculture District to General Commercial District, the applicant has submitted a Comprehensive Plan Amendment to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development (#08CA031) and a Planned Development Designation (#08PD049).

STAFF REPORT
September 25, 2008

No. 08RZ031 – Rezoning from General Agriculture District to General Commercial District **ITEM 8**

In addition, the applicant has submitted a Comprehensive Plan Amendment for adjacent property to change the land use designation from Medium Density Residential to General Commercial with a Planned Commercial Development (#08CA032) and an application to rezone two adjacent properties from Medium Density Residential District to General Commercial District (#08RZ032 and #08RZ033). Currently, the property is void of any structural development.

STAFF REVIEW: The Future Land Use Committee met September 18, 2008 and reviewed the associated Comprehensive Plan Amendment to change the land use from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development.

The following comments are based on the Future Land Use Committee's review of the related Comprehensive Plan Amendments:

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.*

The undeveloped property is currently zoned General Agriculture District. The General Agriculture District has served as a holding zone until such time as the property is developed. The property has recently been platted for development purposes. The property is located in an area with motel land uses and extensive general commercial land uses. Luna Avenue, a proposed collector street connecting Eglin Street and E. Anamosa Street on the City's Major Street Plan is located adjacent and east of the property. The extension of Luna Avenue and the extensive commercial development in the area constitute the changing conditions.

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

The purpose of the General Commercial Zoning District as stated in the Zoning Ordinance is to be used for personal and business services and the general retail business of the city. The property is located adjacent to Luna Avenue, a proposed collector street providing the connection between Eglin Street and E. Anamosa Street. City sewer and water are located in the northeast corner of the property and will be extended to serve this area. Due to the extensive commercial development of adjacent properties, the extension of Luna Avenue and City water and sewer services to the property, the rezoning would appear to be consistent with the intent and purposes of this 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.*

Luna Avenue, a collector street, is proposed to be extended from Eglin Street to E. Anamosa Street and will be located adjacent to this property. Water and sewer will be extended to the property as development occurs. The applicant has submitted a Planned Development Designation (#08PD049) for this property. The additional review provided by

STAFF REPORT
September 25, 2008

No. 08RZ031 – Rezoning from General Agriculture District to General Commercial District **ITEM 8**

an Initial and Final Planned Commercial Development process will insure that any possible adverse impacts of development are adequately mitigated. Based on the provision of a Planned Development overlay, no significant adverse impacts that will result from the requested rezoning have been identified.

- 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 E. Anamosa Street as a minor arterial and proposed Luna Avenue as a collector street. Allowing commercial use(s) along a collector street is in compliance with the Major Street Plan. The North Rapid Future Land Use Plan identifies the property as appropriate for Medium Density Residential with a Planned Development Designation land uses. An application for a Comprehensive Plan Amendment (#08CA031) to change the land use on the property to General Commercial with a Planned Commercial Development and a Planned Development Designation (#08PD049) have been submitted in conjunction with the Rezoning request for the property. If the Comprehensive Plan Amendment is approved for the property, rezoning the property would be consistent with the Comprehensive Plan.

As of this writing, the required sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the September 25, 2008 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

The Future Land Use Committee met on September 18, 2008 and recommended approval of the associated Comprehensive Plan Amendment to change the land use from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development. As such, 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.