

STAFF REPORT
December 4, 2008

No. 08RZ042 - Rezoning from Low Density Residential District to General Commercial District **ITEM 8**

GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	Saint Patrick, LLC
REQUEST	No. 08RZ042 - Rezoning from Low Density Residential District to General Commercial District
EXISTING LEGAL DESCRIPTION	Tract AR2 of Needles Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 12.76 acres
LOCATION	1700 Catron Boulevard
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development) - Medium Density Residential District (Planned Residential Development)
South:	General Commercial District (Planned Commercial Development) - Medium Density Residential District (Planned Residential Development)
East:	Low Density Residential District (Planned Residential Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	10/10/2008
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 Low Density Residential District to General Commercial District be approved in conjunction with the associated Amendment to the Adopted Comprehensive Plan for the following legal description:

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Commencing at northwesterly corner of Tract AR2 of Needles Subdivision, common to the northeasterly corner of Tract B of Needles Subdivision, and common to the southwesterly corner of Tract A of Tucker Subdivision, and the point of beginning.

Thence, first course: N89°56'00"E, along the northerly boundary of said Tract AR2, common to the southerly boundary of said Tract A, a distance of 331.61 feet, to the southeasterly corner of said Tract A;

Thence, second course: S62°44'53"E, a distance of 593.67 feet, to a point on the southerly boundary of said Tract AR2, common to a point on the northerly edge of Catron Boulevard right-of-way;

Thence, third course: southwesterly, curving to the right, along the southerly boundary of said Tract AR2, common to the northerly edge of said Catron Boulevard right-of-way, on a curve with a radius of 743.51 feet, a delta angle of 74°57'16", a length of 972.66 feet, a chord bearing of S59°59'16"W, and chord distance of 904.77 feet;

Thence, fourth course: N82°32'06"W, along the southerly boundary of said Tract AR2, common to the northerly edge of said Catron Boulevard right-of-way, a distance of 79.87 feet, to the southwesterly corner of said Tract AR2, common to the southeasterly corner of said Tract B;

Thence, fifth course: N00°15'46"E, along the westerly boundary of said Tract AR2, common to the easterly boundary of said Tract B, a distance of 713.64 feet, to the northwesterly corner of said Tract AR2, common to the northeasterly corner of said Tract B, and common to the southwesterly corner of said Tract A, and the point of beginning.

GENERAL COMMENTS: (Update, November 12, 2008. All revised and/or added text is shown in bold print.) This item was to be heard at the November 6, 2008 Planning Commission Meeting. However, due to inclement weather, the Planning Commission was unable to meet. Staff is recommending that this item be approved with the legal description as noted above. This property contains approximately 12.76 acres and is located at 1700 Catron Boulevard east of U.S. Highway 16. The property is currently zoned Low Density Residential District with a Planned Residential Development. Land located north of the property is zoned Low Density Residential District with a Planned Residential Development and Medium Density Residential District with a Planned Residential Development. Land located south of the property is zoned General Commercial District with a Planned Commercial Development and Medium Density Residential District with a Planned Residential Development. Land located east of the property is zoned Low Density Residential District with a Planned Residential Development. Land located west of the property is zoned General Commercial District with a Planned Commercial Development. Until recently, the property was developed for residential use. The residence has since been removed and the land is in the process of being cleared.

The Highway 16 Future Land Use Plan indicates that this property is appropriate for Planned Residential Development with one dwelling unit per acre land use. An application

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for a Comprehensive Plan Amendment to change the land use from Planned Residential Development with one dwelling unit per acre to General Commercial with a Planned Commercial Development (#08CA038) has been submitted in conjunction with this Rezoning request. A Planned Development Designation (#01PD057) is in place on the property and will remain with any change in zoning. In addition, the applicant has submitted a Comprehensive Plan Amendment for adjacent property to change the land use designation from Planned Residential Development with one dwelling unit per acre to General Commercial with a Planned Commercial Development (#08CA039) and an application to rezone adjacent property from Low Density Residential District to General Commercial District (#08RZ043).

STAFF REVIEW: The Future Land Use Committee met September 18, 2008 and reviewed the associated Comprehensive Plan Amendment to change the land use from Planned Residential Development with one dwelling unit per acre 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.*

Currently, there are no substantially changed conditions in the area requiring the rezoning of this property. The property is currently zoned Low Density Residential District with a Planned Residential Development. The residence has been removed and the land is in the process of being cleared. The property is located adjacent to General Commercial District with Planned Commercial Developments south and west of the property. The properties north and east are zoned Low Density Residential District with a Planned Residential Development and Medium Density Residential District with a Planned Residential Development. Catron Boulevard is located adjacent to the property and is scheduled to be widened in the near future by the South Dakota Department of Transportation.

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 north of Catron Boulevard, a principal arterial street on the City's Major Street Plan. A traffic signal is proposed to be located adjacent to the property as Catron Boulevard is widened and development warrants the light. Sanitary sewer service is adjacent to the property in a limited capacity but will be adequate and available when sewer is extended up Catron Boulevard from Fifth Street. Adequate water is available through an extension of City services from the adjacent property. The Future Land Use Committee indicated that the northeast portion of the property was located adjacent to a residentially developed area and as such, indicated that this portion of the property was not appropriate for General Commercial land uses. The applicant has agreed to this change in the request and has submitted a revised legal description to remove this portion of the property from the

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rezoning request.

- 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 property is located north and adjacent to Catron Boulevard, a major arterial street on the City's Major Street Plan. High density usage may have significant impact on traffic flow and the level of service of the existing street. The South Dakota Department of Transportation has included widening Catron Boulevard on their future construction calendar for the year 2012. Water and sewer will be extended to the property as development occurs. City sewer services in Catron Boulevard have limited capacity available today. However, a proposed sewer main is projected to be constructed along Catron Boulevard from US Highway 16 to Fifth Street to allow increased capacity for future development. Care will need to be taken to ensure the infrastructure improvements are in place as development occurs. A Planned Development Designation (#01PD057) currently exists for this property. The additional review provided by an Initial and Final Planned Commercial Development process will insure that any possible adverse impacts of development are adequately mitigated.

- 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 City's Major Street Plan identifies Catron Boulevard as a major arterial street. The US Highway 16 Future Land Use Plan identifies the property as appropriate for Planned Residential Development with one dwelling unit per acre land uses. An application for a Comprehensive Plan Amendment (#08CA038) to change the land use on the property to General Commercial with a Planned Commercial Development has 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 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.

The Future Land Use Committee recommends approval of the associated Comprehensive Plan Amendment to change the land use from Low Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development with the revised legal description. Based on the recommendations of the Future Land Use Committee, staff recommends that the Rezoning from Low Density Residential District to General Commercial District with the revised legal description be approved in conjunction with the associated Amendment to the Adopted Comprehensive Plan.

Notification Requirement: City staff mailed new notification letters to the surrounding property owners as required notifying them of the change in hearing date and

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republished the public hearing notice. As of this writing, staff has not received any calls of inquiry regarding this item.