

STAFF REPORT  
November 19, 2009

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**No. 09RZ048 - Rezoning from General Agriculture District to General Commercial District** **ITEM 40**

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GENERAL INFORMATION:

APPLICANT/AGENT	Dream Design International, Inc.
PROPERTY OWNER	HDRK Properties, LLC
REQUEST	<b>No. 09RZ048 - Rezoning from General Agriculture District to General Commercial District</b>

EXISTING  
LEGAL DESCRIPTION

A portion of Tract C of Rushmore Center, located in the E $\frac{1}{2}$  of the SE $\frac{1}{4}$ , Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northwesterly corner of Tract C of Rushmore Center, common to a corner on the southerly boundary of Tract A of Block 2 of Rushmore Crossing, and the point of beginning, Thence first course: S60°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.52 feet to the southeasterly corner of said Tract A, common to the southwesterly corner of Tract B of Block 2 of Rushmore Crossing; Thence, second course: S60°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 471.28 feet; Thence, third course: S50°54'28"W, distance of 950.41, to a point on the westerly edge of Luna Avenue right-of-way; Thence, fourth course: N01°57'56"E, along the westerly edge of said Luna Avenue right-of-way, distance of 19.99 feet; Thence, fifth course: curving to the left, along 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 N01°03'52"E, and chord distance of 61.97 feet; Thence, sixth course: N00°09'48"E, along the westerly edge of said Luna Avenue right-of-way, distance of 816.92 feet; Thence, seventh course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of N01°32'53"W, and chord distance of 28.43 feet; Thence, eighth course: N86°44'26"E, distance of 60.00 feet, to a point on the westerly boundary of said Tract C, common to a point on the easterly edge of said Luna Avenue right-of-way; Thence ninth course: curving to the left, along the westerly boundary of said Tract C, common to

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the easterly edge of said Luna Avenue right-of-way, on a curve with a radius of 536.00 feet, a delta angle of 05°10'30", a length of 48.41 feet, a chord bearing of N05°50'50"W, and chord distance of 48.40 feet, to the point of beginning

PARCEL ACREAGE	Approximately 8.405 acres
LOCATION	1520 Luna Avenue
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial District)
South:	General Commercial District (Planned Development Designation) - General Agriculture District
East:	General Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Commercial District)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	10/9/2009
REVIEWED BY	Patsy Horton / Ted Johnson

**RECOMMENDATION: 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 Commercial Development application.**

**GENERAL COMMENTS: (Update, November 9, 2009. All revised and/or added text is shown in bold print.) This item was continued to the November 19, 2009 Planning Commission meeting to allow the applicant to submit the required information in conjunction with the associated applications. The applicant has indicated that the required information will be submitted for review and approval prior to Planning Commission's consideration. As such, staff recommends that this item be approved in conjunction with the associated Planned Commercial Development application and the associated Comprehensive Plan Amendment.**

This vacant property contains approximately 8.405 acres and is located north of East Anamosa Street, east of Luna Avenue and south of Eglin Street. The property is currently zoned General Agriculture District. Land located south and east of the property is zoned General Commercial District (Planned Development Designation) and General Agriculture

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District. Land located north and west of the property is zoned General Commercial District (Planned Commercial Development). In addition, the applicant has submitted an associated Comprehensive Plan Amendment application (#09CA028), an Initial and Final Planned Commercial Development application (#09PD051), a Preliminary Plat application (#09PL066) and a Subdivision Variance application (#09SV021). The applicant intends to locate the Pizza Ranch on the proposed lot.

The Adopted Comprehensive Land Use Plan indicates that this property is appropriate for medium density residential land uses. An application to change the land use designation on the property from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development (#09CA028) has been submitted in conjunction with this Rezoning application. The North Rapid Neighborhood Area Future Land Use Plan identifies the property as appropriate for apartment uses.

**STAFF REVIEW:** Staff 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.*

Staff has not identified any changing condition that requires rezoning the property.

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

The General Commercial Zoning District is intended 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 and vacant, undeveloped parcels. Because of the location in close proximity to regional shopping and lodging facilities, the proposed rezoning to General Commercial District 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.*

Land located north, east and west of the property is zoned General Commercial District. Land located south of the property is zoned General Commercial and General Agriculture District. The General Commercial District requires additional screening when adjacent to residential districts to help mitigate potential impacts to adjoining properties. The applicant has also submitted a Planned Development application that will help ensure buffers are in place to address potential incompatible uses. As such, the proposed rezoning to General Commercial District appears to be compatible with the adjacent properties.

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*

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*Use Plan, and Community Facilities Plan.*

The Future Land Use Committee considered the associated 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 and recommended that the Amendment to the Adopted Comprehensive Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development be approved. If the associated Comprehensive Plan Amendment is approved, the rezoning request will be consistent with the adopted Comprehensive Plan. 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.

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 one inquiry regarding the proposed Rezoning application.

**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 Commercial Development application.**