

STAFF REPORT
September 22, 2011

No. 11RZ016 - Rezoning from No Use District to General Commercial District **ITEM 14**

GENERAL INFORMATION:

APPLICANT	City of Rapid City
PROPERTY OWNER	Ripple G, LLC
REQUEST	No. 11RZ016 - Rezoning from No Use District to General Commercial District

EXISTING
LEGAL DESCRIPTION

A parcel of land located in Lot 1 of the SE1/4 SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, said 1.72 acre of land being situated in the northwest corner of and adjoining the west boundary of said Lot 1 and adjoining the south right-of-way line of Sheridan Lake Road, a public road, and being more particularly described by metes and bound as follows: Commencing, for location purposes only at an iron rod with cap marked "FISK 1771" found for corner on the west sixteenth-section line of said SE1/4 SE1/4 of Section 29 at its intersection with the eastern right-of-way line of Croyle Avenue, a 66-foot wide public road, said corner also marking the intersection of the east boundary of Lot A of Lot 1 of Rohrer Subdivision in the SW1/4 SE1/4 of Section 29 and west boundary of Lot B of Lot 1 of the SE1/4 SE1/4 of Section 29 with the eastern right-of-way line of Croyle Avenue; Thence, N00°03'49"W, along said sixteenth-section line, running within the right-of-way of Croyle Avenue, a distance of 390.92 feet to the Point of Beginning of the herein described tract, said Point of Beginning being located at another intersection with the eastern right-of-way line of Croyle Avenue and also being at the intersection of the east boundary of Lot B of Lot 1 of Rohrer Subdivision in the SW1/4 SE1/4 of Section 29 and west boundary of said Lot 1 of the SE1/4 SE1/4 of Section 29 with the eastern right-of-way line of Croyle Avenue; Thence, N00°03'49"W, along the west sixteenth-section line and west boundary of said Lot 1 of the SE1/4 SE1/4 of Section 29, a distance of 199.93 feet to a point for corner on the southern right-of-way line of Sheridan Lake Road, from which a surveyor's monument marking the northeast corner of Lot 23 of Block 12 of Countryside Subdivision on the west line of Lot 1 of Block 5 of Red Rock Estates bears N00°03'49"W a distance of 237.70 feet; Thence, N69°25'25"E, along the southern right-of-way line of Sheridan Lake Road,

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running parallel to and 33 feet from the centerline of said Sheridan Lake Road, a distance of 217.80 feet to a point of curvature; Thence, continuing along the southern right-of-way line of Sheridan Lake Road in a curve to the right having a central angle of 01°37'22", a radius of 1399.39 feet, and an arc length of 39.64 feet to a point for corner; Thence, S09°15'00"E, a distance of 246.84 feet to a point for corner; Thence, N87°30'00"E, a distance of 55.33 feet to a point for corner; Thence, S02°30'00"E, a distance of 61.00 feet to a point for corner; Thence, S87°30'00"W, a distance of 335.55 feet to a point for corner on the eastern right-of-way line of said Croyle Avenue; Thence, N07°07'11"W, along the eastern right-of-way line of Croyle Avenue, a distance of 27.13 feet to the Point of Beginning.

PARCEL ACREAGE	Approximately 1.72 acres
LOCATION	7887 Sheridan Lake Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District
South:	Suburban Residential District (Pennington County)
East:	Highway Service District (Pennington County)
West:	Highway Service District (Pennington County)
PUBLIC UTILITIES	Colonial Pines Sanitary District/ Private on-site wastewater
DATE OF APPLICATION	8/16/2011
REVIEWED BY	Fletcher Lacock / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to General Commercial District be approved.

GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of the above property from No Use District to General Commercial District.

On December 6, 2010, a Petition for Annexation (File #10AN004) was approved with stipulations by the City Council. A Layout Plat (File# 10PL062) was reviewed but subsequently withdrawn by the applicant to subdivide the property into two lots.

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On August 30, 2011, a Planned Development Designation for the above property was approved with stipulations. The Planned Development Designation does not take effect until this rezone is approved.

The property is located approximately 90 feet east of the intersection of Sheridan Lake Road, Tanager Drive and Croyle Avenue. Currently, a restaurant and a residence are located on the property.

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.*

A Petition for Annexation was approved by the City Council on December 6, 2010. All annexed lands are temporarily designated as a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The purpose of the General Commercial District as stated in the Zoning Ordinance is for personal and business services and the general retail business of the city. A restaurant and a residence are currently located on the property. The Sheridan Lake Road Neighborhood Future Land Use Plan indicates that this property is appropriate for General Commercial land uses. Land located east and west of the property is zoned Highway Service District by Pennington County. Land located south of the property is zoned Suburban Residential District by Pennington County. Land located to the north of the property is zoned General Agriculture District. The rezoning of this property appears to be appropriate and 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 an amendment.*

Access to the property is from Sheridan Lake Road, a principal arterial street on the City's Major Street Plan. The property is served by the Colonial Pines Sanitary District and an on-site septic system. The property is located adjacent to property zoned Highway Services in Pennington County. Currently, a restaurant and a residence are located on the property. No significant adverse impacts resulting from the requested rezoning have been identified.

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.*

The City's adopted Future Land Use Plan identifies the future use of the property as

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appropriate for General Commercial land use with a Planned Development Designation. The Planned Development Designation will take effect when the property is rezoned to General Commercial District. Rezoning the subject property from No Use District to General Commercial District is consistent with the adopted Comprehensive Plan.

The applicant should be aware that a single family residence as the principal use of the property is not permitted in the General Commercial District. As such, any expansion to the existing residence must be in compliance with Rapid City Municipal Code Chapter 17.52 which regulates nonconforming buildings and uses, or the use of the structure must be in compliance with the General Commercial District.

The applicant should note that there is a gravity sanitary sewer main located within 400 feet of this site. Rapid City Code of Ordinances Chapter 13.08.030 states that "The owner of any house or building occupied or used by any person, and located so that any part of such house or building is within 400 feet of a public sewer, shall connect such a house or building to a public sewer within 30 days from the time of receiving from the city a written notice to do so. Any extension of city public infrastructure to accommodate required connections shall comply with Chapter 16.16 of the subdivision regulations." As such, future development on the property will require a connection be made to the existing sanitary sewer system located in Sheridan Lake Road.

As noted in the Layout Plat (File# 10PL062), additional right-of-way and road improvements may be required with any future subdivision development.

Notification Requirement: As of this writing, the white slips and green cards have not been returned. The required sign has been posted on the property. Staff will notify the Planning Commission at the September 22, 2011 Planning Commission meeting if these requirements have not been met.