

STAFF REPORT
October 27, 2011

No. 11RZ023 - Rezoning from Low Density Residential District to General Commercial District **ITEM 6**

GENERAL INFORMATION:

APPLICANT	Dream Design International, Inc.
PROPERTY OWNER	Stoney Creek Auto Spa, Inc.
REQUEST	No. 11RZ023 - Rezoning from Low Density Residential District to General Commercial District
EXISTING LEGAL DESCRIPTION	<p>A portion of Lot 4 of Block 3 of Stoney Creek South Subdivision located in the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 4, Block 3 of Stoney Creek South Subdivision, and the point of beginning; Thence, first course: N62°34'47"W, along the southerly boundary of said Lot 4, a distance of 600.53 feet, to the northeasterly corner of Lot 3, Block 3 of Stoney Creek South Subdivision; Thence, second course: N19°11'19"E, a distance of 116.69 feet, to a point on the northerly boundary of said Lot 4, common to a point on the southerly boundary of Lot 5, Block 3 of Stoney Creek South Subdivision; Thence, third course: S70°48'41"E, along the northerly boundary of said Lot 4, common to the southerly boundary of said Lot 5, a distance of 180.16 feet, common to a corner on the northerly boundary of said Lot 4, common to the southeasterly corner of said Lot 5; Thence, fourth course: N25°51'53"E, along the northerly boundary of said Lot 4, common to the easterly boundary of said Lot 5, a distance of 193.96 feet, to the northeasterly corner of said Lot 5, common to a corner on the northerly boundary of said Lot 4, common to a point on the southerly edge of Catron Boulevard right-of-way; Thence, fifth course: S63°36'24"E, along the northerly boundary of said Lot 4, common to the southerly edge of said Catron Boulevard right-of-way, a distance of 290.02 feet; Thence sixth course: S00°06'46"E, a distance of 331.83 feet, to a point on the easterly edge of said Lot 4, common to a point on the westerly edge of Nugget Gulch Road right-of-way; Thence, seventh course: S26°23'14"W, along the easterly boundary of said Lot 4, common to the westerly edge of said Nugget Gulch Road, a distance of 46.12 feet, to the point of beginning</p>
PARCEL ACREAGE	Approximately 3.404 acres

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LOCATION	Southeast of the intersection of Catron Boulevard and Bendt Drive
EXISTING ZONING	Low Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential District (Planned Residential Development)
South:	Low Density Residential District (Planned Residential Development)
East:	General Agriculture District
West:	Office Commercial District (Planned Residential Development) - General Commercial District (Planned Commercial Development) - Low Density Residential Development (Planned Residential Development)
PUBLIC UTILITIES	City/ City
DATE OF APPLICATION	9/15/2011
REVIEWED BY	Robert Laroco / Brandon Quiett

RECOMMENDATION:

Staff recommends that the Rezoning from Low Density Residential District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment.

GENERAL COMMENTS: The applicant has applied for a rezone request for approximately 3.404 acres of land from Low Density Residential-1 District to General Commercial District. In particular, the request is to rezone a portion of 5550 Bendt Drive. The property is currently zoned Office Commercial District, Low Density Residential-1 District, and General Agriculture District. The property is also located in a Planned Development (File #PD521). This request is to rezone the eastern portion of the property.

The applicant has also submitted an associated request to rezone approximately 0.505 acres of land from General Agriculture District to General Commercial District (File #11RZ022) as well as an associated request to rezone approximately .426 acres of land from Office Commercial District to General Commercial District (File #11RZ024). In addition, the applicant has submitted an associated Comprehensive Plan Amendment to change the Future Land Use Plan designation for this land from Residential to Commercial (File #11CA013).

The property is located immediately southwest of the intersection of Catron Boulevard and Nugget Gulch Road on the south side of Rapid City. The land is currently undeveloped.

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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 district affected, or the City in general.*

The land currently has commercial and residential land use and zoning designations on different portions of the property. Both commercial and residential development in the area has been expanding. Development on Catron Boulevard and Sheridan Lake Road to the west has been primarily commercial, while residential developments have recently been approved to the south of the property on Bendt Drive. Approval of the associated Comprehensive Plan Amendment will change the Future Land Use designation from Residential to Commercial. The property immediately to the northwest of this parcel is zoned General Commercial District. Recent expansion of commercial development in the area and the submitted Comprehensive Plan Amendment demonstrate changing conditions in the area.

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

The Rapid City Municipal Code states that the General Commercial District is intended for the personal and business services and the general retail business of the city. The area currently consists of a mix of Residential and Commercial development. The proposed zoning is consistent with the intent 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 amendment.*

Commercial and residential development in the area continues to expand. Catron Boulevard is classified as a principal arterial road on the Major Street Plan. Nugget Gulch Road is classified as a collector road. Property to the southeast is developed as multi-family housing. Property along the south side of Catron is developing with General Commercial uses. The property is located in a Planned Development. An Initial and Final Planned Development must be submitted prior to the development of this property. The approved Initial and Final Planned Development will serve as the tool to ensure that development is compatible with the surrounding area. The location of the property abutting a principal arterial road makes it desirable for commercial development. It does not appear the proposed amendment will adversely affect the City.

4. *The proposed amendment 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 proposed General Commercial District zoning is located along a principal arterial street on the Major Street Plan. The property is located in a Planned Development. The applicant should be aware that an Initial and Final Planned Development must be submitted to Community Planning and Development Services for review and approval

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prior to issuance of a building permit. The Initial and Final Planned Development will serve as the tool to ensure that all utility and drainage issues are addressed and that the proposed development of the site is compatible with the current development of the neighborhood. The proposed Comprehensive Plan Amendment will create a Commercial land use designation for the property. The rezoning request appears to be consistent with the development plan for Rapid City if approved in conjunction with the associated Comprehensive Plan Amendment.

Notification Requirements: The proposed sign has been posted on the property. As of this writing, the required receipts of the certified mailings have not been returned to Community Planning and Development Services. Staff will inform the Planning Commission at the October 27, 2011 Planning Commission meeting if the notification requirements have not been met. At this time, there have been no inquiries about this request.