

STAFF REPORT

December 7, 2000

**RZN #00RZ051 - Rezoning from No Use District to
General Commercial District**

ITEM 24

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	RZN #00RZ051 - Rezoning from No Use District to General Commercial District
LEGAL DESCRIPTION	A tract of land located in the Southwest one-quarter of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Described in more details as follows: Beginning at a point on the west line of said Southwest One-Quarter of Section 16 from which the northwest corner of said Southwest One-Quarter bears North 0°02'47" West a distance of 520.56 feet; Thence South 64°12'46" East a distance of 736.41 feet; Thence South 60°47'57" East a distance of 304.64 feet to a point on a curve from which the radius point of said curve bears North 56°52'02" West; Thence along the arc of said curve to the right having a radius of 204.00' a distance of 35.82 feet; Thence South 43°11'23" West a distance of 1323.28 feet to the west line of said Southwest One-Quarter of Section 16; Thence North 0°02'47" West a distance of 1461.86 feet to the Point of Beginning, containing an area of 15.8 acres, more or less
PARCEL ACREAGE	Approximately 15.8 Acres
LOCATION	At the southern terminus of South Valley Drive
EXISTING ZONING	No Use District (City)
SURROUNDING ZONING	
North:	No Use District (City)
South:	No Use District (City)
East:	No Use District (City)
West:	Limited Agriculture District (County)
PUBLIC UTILITIES	None
REPORT BY	Bill Lass

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Commercial District be approved only for that portion that is currently zoned as No Use District and only for that portion north of Minnesota Street.

STAFF REPORT

December 7, 2000

RZN #00RZ051 - Rezoning from No Use District to General Commercial District

ITEM 24

GENERAL COMMENTS: The petitioner has submitted this request to rezone a 15.8 acre parcel of unplatted land from the No Use District to the General Commercial Zoning District. Most of the property was annexed by the City on March 6, 2000. The subject property is located within the proposed Plum Creek Subdivision. Several Layout Plats have been approved for Plum Creek Subdivision over the past year. The most recent Layout Plat was approved by the City Council on October 16, 2000. That Layout Plat proposed General Commercial land uses near the future intersection of Minnesota Street and the Southeast Connector. Staff indicated at that time that this proposal could be supported provided that the General Commercial land uses were kept north of Minnesota Street.

It is important to note that there are two discrepancies regarding the metes and bounds description and the area in which Staff is supporting the rezoning and Planned Development Designation. First, it was the intention of the property owner to rezone only areas north of the future Minnesota Street alignment to the General Commercial Zoning District with a Planned Development Designation. The metes and bounds description, however, extends this area to the south of Minnesota Street. Secondly, due to miscommunication between Staff and the property owner's representative, the proposed rezoning and Planned Development Designation was advertised for only those portions currently zoned as No Use. The No Use Zoned area is located north of the quarter section line only. Staff has discussed these two issues with the property owner's representative who has indicated that he would like the City to proceed with rezoning that portion of the legal description which lies north of Minnesota Street and north of the quarter section line. Prior to City Council action on this request, the property owner's representative will provide Staff with a revised metes and bounds description reflecting this change. This will leave a small triangular tract of land adjacent to the future intersection of Minnesota Street and the rearage road belonging to the General Agriculture Zoning District. This small area can be rezoned at a later date.

STAFF REVIEW: Staff has evaluated this rezoning request with respect to the four criteria established for review of zoning map amendments established in Section 17.54.040(D)(1). A summary of Staff findings is 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 believes the proposed rezoning is reflective of changing conditions. The southeastern portion of Rapid City and the City in general are seeing continued growth. The nearby Elks Country Estates Subdivision has seen substantial growth in the last several years. This trend will be reinforced with construction of the Southeast Connector. Funding for the construction of the Southeast Connector through the subject property has been secured. Once this roadway is constructed, significant additional development can be expected in this area.

STAFF REPORT

December 7, 2000

RZN #00RZ051 - Rezoning from No Use District to General Commercial District

ITEM 24

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

The purpose of the General Commercial Zoning District is to provide "...for personal and business services and the general retail business of the city." Staff believes this intent is being met through this request. The construction of the Southeast Connector will result in relatively easy access to the subject property by a large portion of the community. The future construction of Minnesota Street and a rearage road parallel to the Southeast Connector will further aid in access. It has been the ongoing policy of the City to support nodes of commercial zoning in areas such as this adjacent to the intersection of two arterial streets.

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.

Staff does not expect any substantial negative impacts resulting from this request. Staff did note during their review of the last Layout Plat for the subject property, that adverse impacts could occur between the commercial areas and the adjacent residential areas of the Plum Creek development unless a Planned Development was secured for the property. The current rezoning request is being accompanied by a request for a Planned Development Designation (see related Staff Report). Staff believes that the Planned Development Designation and subsequent Planned Commercial Development will give the developer and the City the ability to mitigate any substantial adverse impacts.

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 Future Land Use Plan for the Southeast Neighborhood has not yet been developed. Staff, however, has noted that the proposed rezoning is consistent with the Major Street Plan and the master plan approved with the earlier Layout Plat for Plum Creek Subdivision.

The required rezoning sign has been posted on the property. The required notification of surrounding property owners has been completed. Staff has not received any objections or inquiries regarding this request.

Based upon conformance with the criteria for review of zoning map amendments, Staff is recommending approval of the rezoning request.