

STAFF REPORT

October 23, 2003

No. 03RZ039 - Rezoning from No Use District to General Commercial District **ITEM 23**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 03RZ039 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	A previously unplatted parcel of land in the SW1/4 of the N1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence S72°37'41"W along a non-visual line, 1200.17 feet to the TRUE POINT OF BEGINNING; thence N09°37'30"E 863.62 feet; thence along a curve to the left having a radius of 893.51 feet through a central angle of 13°26'11" with an arc length of 209.54 feet, a chord bearing of N76°41'20"E and a chord length of 209.06 feet along said curve; thence S20°01'46"E 210.75 feet; thence along a curve to the right having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 195.84 feet, a chord bearing of S09°21'48"E and a chord length of 194.71 feet along said curve; thence S01°18'09"W 519.62 feet; thence N88°41'51"W 440.00 feet to the TRUE POINT OF BEGINNING; said parcel containing 7.26 acres more or less
PARCEL ACREAGE	Approximately 7.26 acres
LOCATION	South of Catron Boulevard and east of U.S. Highway 16
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Low Density Residential District w/Planned Residential Development
South:	No Use District
East:	No Use District
West:	General Commercial District w/Planned Commercial Development
PUBLIC UTILITIES	To be extended

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DATE OF APPLICATION 09/12/2003

REPORT BY Karen Bulman

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Commercial District be approved in conjunction with a Planned Development Designation and the related Amendment to the Comprehensive Plan.

GENERAL COMMENTS: This property is located south of Catron Boulevard and east of U.S. Highway 16. The subject property is currently in a No Use Zoning District. Property located north of the subject property is zoned Low Density Residential with a Planned Development Designation. Property located west of the subject property is zoned General Commercial with a Planned Commercial Development. The properties located south and east of the subject property are zoned No Use District. The South Robbinsdale Neighborhood Area Future Land Use indicates the subject property is appropriate for Planned Residential Development with a maximum density of one dwelling unit per acre land use(s). The land use for property located north, south and east of the subject property is Planned Residential Development with a maximum density of one dwelling unit per acre. The land use for property located west of the subject property is General Commercial with a Planned Commercial Development.

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.*

Annexation of the subject property was completed in 1998. All annexed lands are temporarily placed in the 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 properties located to the south and east of the subject property are zoned No Use District. The property located to the north of the subject property is zoned Low Density Residential District with a Planned Development Designation. The property located to the west of the subject property is zoned General Commercial District with a Planned Development Designation. The applicant met with the Future Land Use Committee to discuss changing the land use from Planned Residential Development with a maximum density of one dwelling unit per acre to General Commercial with a Planned Commercial Development and the Rezoning of from No Use District to General Commercial District with a Planned Development Designation. The Future Land Use Committee noted that the property was adjacent to Catron Boulevard and to commercial land use(s) to the west. The Future Land Use Committee recommended

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the requested changes in land use and rezoning of the subject property. An application for a Planned Development Designation (03PD047) has been submitted in conjunction with this Rezoning from No Use District to General Commercial District.

- 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.*

The amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure. As noted above, the property is adjacent to Catron Boulevard and with the change in land use from Planned Residential Development with a maximum density of one dwelling unit per acre to General Commercial with a Planned Commercial Development, it would be compatible with the surrounding land uses(s) to the west.

- 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 South Robbinsdale Neighborhood Area Land Use Plan for this area currently identifies the subject property as appropriate for Planned Residential Development with a maximum of one dwelling unit per acre land use(s). An Amendment to the Comprehensive Plan to change the land use designation from Planned Residential Development with a maximum of one dwelling unit per acre to General Commercial with a Planned Commercial Development (03CA031) has been submitted in conjunction with this rezoning request. With the approval of the Amendment to the Comprehensive Plan, the rezoning the subject property from No Use District to General Commercial District in conjunction with a Planned Development Designation appears to be appropriate.

As of this writing, the sign has been posted on the property, and the receipts from the certified mailing have been returned. Staff has received three inquiries regarding this request.