

STAFF REPORT

November 9, 2000

**RZN #00RZ040 - Rezoning from General Agriculture
District and Low Density Residential District to General
Commercial District**

ITEM 7

GENERAL INFORMATION:

PETITIONER	McMahon Investments, Inc.
REQUEST	RZN #00RZ040 - Rezoning from General Agriculture District and Low Density Residential District to General Commercial District
LEGAL DESCRIPTION	<p>Commencing at the Center of Section 24, travel east 46 feet, thence turn South and travel 140 feet to the point of beginning. From the point of beginning, travel east 417.42 feet, thence South 430.97 feet, thence west 417.24 feet, thence north 430.97 feet to the Point of Beginning. All located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota containing 4.19 acres, more or less.</p> <p>Commencing at the Center of Section 24, travel west 54 feet, thence turn south and travel 375 feet to the Point of Beginning. From the Point of Beginning, travel South 1588.50 feet, thence west 400 feet, thence north 1548.01 feet thence 272.76 feet at a bearing of N 81°56'08" E thence east 114.24 feet to the Point of Beginning. All located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. Containing 14.45 Acres, more or less.</p>
PARCEL ACREAGE	Approximately 18.64 Acres
LOCATION	Approximately 1/4 mile north of Mall Drive on Haines Avenue
EXISTING ZONING	Low Density Residential District-General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential District-General Agriculture District
South:	Low Density Residential District-General Commercial District
East:	General Agriculture District
West:	Low Density Residential District
PUBLIC UTILITIES	City Water and Sewer
REPORT BY	Blaise Emerson

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RECOMMENDATION: Staff recommends that the Rezoning from General Agriculture District and Low Density Residential District to General Commercial District be approved in conjunction with the associated Planned Development Designation.

GENERAL COMMENTS: **The Planning Commission had continued this item to the November 9, 2000 meeting to allow a neighboring property owner to review the request. The neighboring property owner's son has contacted Staff and has indicated that their concerns are with the North Haines Avenue reconstruction project and not with the rezoning request. The neighboring property owner's son will be discussing the issue with the Engineering Division Staff.**

The applicant is requesting to rezone two parcels along North Haines Avenue to General Commercial with a Planned Development Designation. The parcel on the east side of Haines Avenue is currently zoned General Agriculture District and the parcel located on the west side of Haines Avenue is zoned Low Density Residential. The property is located approximately 1/4 mile north of Mall Drive on Haines Avenue.

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.

The property proposed for rezoning is located adjacent to other General Commercial zoned lands to the south and east. This area has seen increasing commercialization over the past twenty years since the Rushmore Mall was developed. Currently, the interchange with Interstate 90 and North Haines Avenue is under construction. In addition, Haines Avenue is being expanded to seven lanes under the bridges, to five lanes from Howard Street to just north of Mall Drive and to a three lane section north to Northdale Subdivision. This expansion in the street infrastructure will add additional capacity to the road system and allow for increased traffic to access the area.

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. This property is located near the Rushmore Regional Mall, and other commercial areas on Haines Avenue. Collectively, these areas provide general retail services to the entire City. For these reasons, Staff believes that the rezoning of this property is consistent with the purpose of the General Commercial Zoning District.

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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 Engineering and Traffic Engineering Staff have identified some potentially adverse impacts that could occur from rezoning these tracts of land to General Commercial. The majority of these impacts relate to traffic and infrastructure concerns. The General Commercial Zoning District allows land uses generating significantly higher vehicular traffic volumes than the General Agriculture Zoning District and the Low Density Residential Zoning District. This property is already located at the edge of a highly developed commercial area. Future development may require traffic improvements such as turn lanes, deceleration lanes, and traffic signals. In order to address traffic and other infrastructure issues in an effective manner, Staff is recommending that the rezoning be approved only if the associated Planned Development Designation is approved.

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 property located on the east side of Haines Avenue is identified in the Northeast Area Future Land Use Plan as General Commercial with a Planned Commercial Development. The property on the west side was identified as General Commercial in the approved Master Plan for this property. The Future Land Use Committee concurred with the recommendation that this area be zoned General Commercial with a Planned Development Designation. For the reasons previously outlined, Staff believes that rezoning this property does not significantly conflict with the applicable plans.

The certified mailing has been completed and the rezoning sign posted on the property. Staff has not received any objections or inquiries regarding this rezoning request. Staff has reviewed this request with respect to the criteria established for Zoning Map Amendments and is recommending that it be approved in conjunction with the Planned Development Designation.