

STAFF REPORT

June 6, 2013

No. 13RZ009 - Rezoning from General Agricultural District to General Commercial District **ITEM 3**

GENERAL INFORMATION:

AGENT Renee Catron - Renner & Associates, LLC

PROPERTY OWNER Hog Wild LLC

REQUEST **No. 13RZ009 - Rezoning from General Agricultural District to General Commercial District**

EXISTING
LEGAL DESCRIPTION

A portion of the Tract 1 of Harley-Davidson Subdivision, Sections 22 and 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the most southerly corner of Tract 1 of Harley-Davidson Subdivision, and the point of beginning; Thence, first course: with a curve turning to the right with an arc length of 737.36', with a radius of 2142.00', with a chord bearing of N 56°17'03" W, with a chord length of 733.72'; Thence, second course: N 37°06'52" W a distance of 355.50'; Thence, third course: N 48°36'52" W a distance of 21.23'; Thence, fourth course: N 48°36'52" W a distance of 177.01'; Thence, fifth course: N 39°34'27" W a distance of 238.19'; Thence, sixth course: N 50°24'27" E a distance of 26.93'; Thence, seventh course: N 50°24'27" E a distance of 73.05'; Thence, eighth course: S 39°35'33" E a distance of 42.85'; Thence, ninth course: with a curve turning to the left with an arc length of 103.16', with a radius of 430.81', with a chord bearing of N 43°52'13" E, with a chord length of 102.91'; Thence, tenth course: with a curve turning to the right with an arc length of 271.46', with a radius of 468.47', with a chord bearing of N 53°44'26" E, with a chord length of 267.68'; Thence, eleventh course: N 70°22'36" E a distance of 216.87'; Thence, twelfth course: S 02°38'20" E a distance of 7.32'; Thence, thirteenth course: S 19°37'37" E a distance of 72.93'; Thence, fourteenth course: S 70°22'35" W a distance of 214.74'; Thence, fifteenth course: with a curve turning to the left with an arc length of 224.97', with a radius of 386.71', with a chord bearing of S 53°42'37" W, with a chord length of 221.81'; Thence, sixteenth course: with a curve turning to the right with an arc length of 121.79', with a radius of 510.81', with a chord bearing of S 43°58'24" W, with a chord length of 121.50'; Thence, seventeenth course: S 39°33'45" E a distance of 107.67'; Thence, eighteenth course: S 48°36'52" E a distance of 169.09'; Thence

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nineteenth course: N 89°53'33" E a distance of 415.43'; Thence twentieth course: S 24°42'38" E a distance of 859.29'; to the said point of beginning.

PARCEL ACREAGE	Approximately 8.321 acres
LOCATION	North of I-90, east of Exit 55
EXISTING ZONING	General Agricultural District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development)
South:	General Agricultural District
East:	General Agricultural District
West:	General Agricultural District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	April 24, 2013
REVIEWED BY	Robert Laroco / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Rezoning from General Agricultural District to General Commercial District be approved.

GENERAL COMMENTS: The applicant has submitted a request to rezone approximately 8.321 acres of property from General Agriculture District to General Commercial District. The property is a portion of Tract 1 of the Harley-Davidson Subdivision, which is currently comprised of multiple zoning districts. Portions are zoned General Agriculture District, No Use District, and General Commercial District. In addition, portions of the property have been placed in a Planned Development and a Planned Development Designation. The applicant has submitted this request in conjunction with two associated Rezoning requests to change the zoning from General Agriculture District to General Commercial District (File #13RZ008) and from No Use District to General Commercial District (File #13RZ010) in order to zone the entire property General Commercial District.

The property is located east of the interchange at Interstate 90 and Deadwood Avenue. Currently, the property is developed as a Harley Davidson retail store.

STAFF REVIEW: Staff has reviewed the proposed rezoning for conformance with the four criteria for review of zoning map amendments established in Section 17.54.040.D(1) and has noted the following considerations:

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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 property is zoned General Agriculture District. Property to the north and west is zoned General Commercial District. Property to the south is zoned Light Industrial District and General Agriculture District. Property to the east is zoned General Agriculture District. The future land use designation for the property is commercial and, as such, a Comprehensive Plan Amendment is not required. The area is developed with a mix of industrial and commercial uses, while portions of the property itself are developed with retail. There are no substantially changed or changing conditions in the area.

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

The General Commercial District is intended for personal and business services and the general retail business of the city. The General Agriculture District is intended to provide land situated on the fringe of the urban area that is used for agricultural purposes, but will be undergoing urbanization in the future. Generally the General Agriculture Zoning District serves as a holding zone until such time as the property is developed. The Rezoning request will allow property adjacent to land already zoned for commercial use to also be zoned for commercial uses. In addition, if approved in conjunction with the associated Rezone requests, this request will result in the entire tract being zoned General Commercial District. The proposed zoning is 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 amendment.*

The Rezoning request will change the zoning from General Agriculture District to General Commercial District. The area is comprised of a mix of commercial and industrial uses. The Rezoning request is an overall increase in the intensity of uses permitted on the property; however, the property is already developed with a commercial use on a different portion of the property. It is not expected that the Rezoning request will adversely affect any other part of 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 City's adopted Future Land Use Plan shows that the property has been designated for commercial use. The property is currently developed with a retail store on the portions of the property already zoned for commercial use. The Rezoning request is consistent with the Future Land Use Plan. Tatanka Road is classified as a Collector Street on the City's Major Street Plan, providing access to Deadwood Avenue. Deadwood Avenue, located approximately 1,200 feet to the west, is classified as a Principal arterial street on the City's Major Street Plan, capable of handling commercial, residential, and industrial traffic. Deadwood Avenue provides immediate access to

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Interstate 90 and the regional transportation network. The proposed Rezoning request will create a uniform zoning classification across the property if approved in conjunction with the associated Rezoning requests. For these reasons, staff recommends the request to change the zoning on the property from General Agriculture District to General Commercial District be approved.

Notification Requirements: As of this writing, the sign has not been posted on the property. The required proof of notification mailing has not been submitted to Community Planning and Development Services. Staff will inform the Planning Commission at the June 6, 2013 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into the Rezoning request.