

STAFF REPORT
January 26, 2006

No. 05RZ067 - Rezoning from No Use District to General Commercial District **ITEM 42**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 05RZ067 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	The following parcels of land: the north 200 feet of Lot 1 of Neff's Subdivision No. 3; the eastern most 440 feet and southern most 450 feet of the SW1/4 SW1/4 lying east of Lot1, Neff's Subdivision all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.46 acres
LOCATION	East of the intersection of East Anamosa Street and Elk Vale Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	General Commercial District (Planned Commercial Development)
East:	No Use District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	12/6/2005
REVIEWED BY	Karen Bulman / Not Assigned

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

GENERAL COMMENTS: This undeveloped property contains approximately 5.46 acres and is located south of Interstate 90 and east of Elk Vale Road. The subject property was annexed into the City effective July 22, 2003 and placed in a No Use Zoning District. The property located north and east of the subject property is zoned No Use District. The property located west of the subject property is zoned General Commercial District with a Planned Commercial Development. The property located south of the subject property is zoned

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General Commercial District with a Planned Commercial Development.

STAFF REVIEW: The subject property is identified on the Elk Vale Neighborhood Future Land Use Plan as appropriate for Medium Density Residential with a Planned Residential Development land use. A Comprehensive Plan Amendment to revise the Elk Vale Neighborhood Future Land Use Plan by changing the land use designation on a portion of the subject property from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development (05CA049) has been submitted in conjunction with this rezoning application.

The Future Land Use Committee met with the property owners on May 6, 2005 and toured the area on May 27, 2005. The Future Land Use Committee reviewed and recommended approval for General Commercial land use with a Planned Commercial Development for the subject property. The property owner has agreed with the request to submit an application for a Planned Development Designation on the subject property.

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.*

A voluntary annexation of the subject property (03AN006) was effective in July 2003. All annexed lands are temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. This undeveloped property is located along N. Elk Vale Road and in an area that is reflective of continuing residential development.

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

The General Commercial Zoning District is for personal and business services and the general retail business of the city. The subject property is located close to commercial development in the area. There is also a mix of General Commercial and Office Commercial Zoning Districts proposed for the area. The property owners have indicated that infrastructure will be extended into the area as development occurs. Due to potential conflict with any future development in the area along Elk Vale Road, a principal arterial street, the Future Land Use Committee recommends approval of this rezoning in conjunction with a Planned Development Designation. An application for a Planned Development Designation is to be submitted in conjunction with this rezoning request.

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 subject property is located adjacent to a mix of proposed General Commercial and Office Commercial zoning districts. The applicant has indicated that water and sewer will be

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available to the subject property as development occurs. Elk Vale Drive, a principal arterial street is located west of the subject property. Development issues including; drainage, traffic, landscape buffers, wild land fire mitigation, and any other issues, will be addressed at the time of the Planned Commercial Development – Initial and Final Plan. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from No Use District to General Commercial District.

- 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 Elk Vale Neighborhood Future Land Use Plan identifies this area as appropriate for a Medium Density Residential with a Planned Residential Development land use. The Future Land Use Committee has recommended that a Planned Development Designation be located on the subject property. A Comprehensive Plan Amendment to revise the Elk Vale Neighborhood Future Land Use Plan changing the land use designation on the subject property from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development (05CA049) has been submitted with this rezoning application. The Planned Commercial Development will allow the developer some flexibility in utilizing the subject property and will mitigate any issues that may occur with future development. The property owner has indicated that the extension of sewer and water will be brought to the property as development occurs. Rezoning the subject property in conjunction with the Comprehensive Plan Amendment and a Planned Development Designation appears to be appropriate.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the January 26, 2006 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.