

STAFF REPORT
November 9, 2006

No. 06RZ055 - Rezoning from General Agriculture District to Office Commercial District **ITEM 57**

GENERAL INFORMATION:

PETITIONER	CETEC Engineering Services, Inc. for Generations, Inc.
REQUEST	No. 06RZ055 - Rezoning from General Agriculture District to Office Commercial District
EXISTING LEGAL DESCRIPTION	The south 495 feet of the NE1/4 SE1/4, less Lot 1 of Bendert Subdivision; and the SE1/4 SE1/4 of Section 22, Unplatted, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 53.7 acres
LOCATION	Located adjacent to Golden Eagle Drive between Catron Boulevard and U.S. Highway 16
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Park Forest District - Medium Density Residential District (Planned Development Designation)
South:	General Agriculture District
East:	General Commercial District - Office Commercial District - Public District - Business Park District
West:	Public District - General Agriculture District - Low Density Residential District (Planned Residential Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	9/29/2006
REVIEWED BY	Vicki L. Fisher / Todd Peckosh

RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to Office Commercial District be **approved in conjunction with the associated Comprehensive Plan Amendment(s) to the U.S. Highway 16 Area Future Land Use Plan.**

GENERAL COMMENTS:

(Update October 28, 2006. All revisions to this report are shown in bold.) This item was continued to the November 9, 2006 Planning Commission meeting to be heard in conjunction with associated Comprehensive Plan Amendments to the U.S. Highway 16 Future Land Use Plan.

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The applicant has submitted a Rezoning request to change the zoning designation of the subject property from General Agriculture District to Office Commercial District. In addition, the applicant has submitted a Comprehensive Plan Amendment to the US Highway 16 Area Future Land Use Plan to change the land use designation from a Planned Residential Development with a maximum density of one dwelling unit per acre to Office Commercial with a Planned Unit Development on approximately 7.35 acres of the subject property, a Comprehensive Plan Amendment to the US Highway 16 Area Future Land Use Plan to change the land use designation from a Planned Residential Development with a maximum density of four dwelling units per acre to Office Commercial with a Planned Unit Development on approximately 20 acres of the subject property, and a Comprehensive Plan Amendment to the US Highway 16 Area Future Land Use Plan to change the land use designation from Low Density Residential District with a Planned Residential Development with a maximum density of four dwelling units per acre to Office Commercial with a Planned Unit Development on approximately 26.36 acres of the subject property. The applicant has also submitted a Layout Plat to subdivide the subject property creating 67 townhome lots and six larger lots. In addition, the applicant has submitted a Comprehensive Plan Amendment to the Major Street Plan to relocate a portion of Golden Eagle Drive, a collector street, as it abuts the southern portion of the subject property. (See companion items #06PL160, 06CA037, 06CA038, 06CA039 and 06CA040.)

On October 13, 2006, staff approved a Planned Development Designation for the subject property. (See companion item #06PD084.)

The applicant has indicated that the subject property will be constructed with a combination of townhome and independent and assisted living units.

The property is located in the northwest corner of the intersection of Golden Eagle Drive and Promise Road. Currently, the property is void of any structural development.

STAFF REVIEW:

The Rapid City Journal staff has notified City staff that the legal notification for the Comprehensive Plan Amendment was not published in the newspaper ten days prior to the Planning Commission meeting as required. As such, staff is recommending that this item be continued to be heard in conjunction with the associated Comprehensive Plan Amendment(s) to the US Highway 16 Area Future Land Use Plan.

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. 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 district affected, or the City in general.***

The property is currently zoned General Agriculture District. The General Agriculture District has served as a holding zone until such time as the property is developed. On October 2, 2006, the City Council approved Tax Increment District #61 to assist in

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the development of Vinyard Lane, a public street located east of the subject property, Golden Eagle Drive and Promise Road. In addition, the Tax Increment District will assist in the extension of water, sewer, sidewalks, storm sewer, detention cell(s) and sewer lift station(s). The proposed extension of public streets as well as the extension of municipal services to the property will change conditions within the area to support the extension of office commercial development. In addition, Catron Boulevard, a significant east-west arterial connection, is located south of the subject property and Golden Eagle Drive, a collector street, will be extended through the subject property. It is anticipated that this will be an area of the community that will experience continued growth and development in the immediate and foreseeable future.

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

The purpose of the Office Commercial District as stated in the Zoning Ordinance is to "...provide for those types of institutional and commercial activities that require separate buildings and building groups surrounded by landscaped yards and open areas. Land, space and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods". The subject property is located north of an arterial street and adjacent to a residential area. In addition, the Initial and Final Planned Unit Development will serve as a tool to address concerns specific to the subject property and to mitigate any potential negative impacts the office commercial use may have on the adjacent properties.

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.*

Staff has not identified any significant adverse impacts that will result from the requested rezoning. The additional review provided by an Initial and Final Planned Unit Development process will insure that any possible adverse impacts of development and/or redevelopment are adequately mitigated.

4. *The proposed amendments 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 Major Street Plan identifies Golden Eagle Drive as a collector street. Allowing office commercial use(s) along a collector street is in compliance with the Major Street Plan. City sewer and water will be extended through the subject property in compliance with the community facilities plan. Upon approval of the associated, Comprehensive Plan Amendment request(s), the Rezoning request will be in compliance with the U.S. Highway 16 Area Future Land Use Plan.

Notification Requirement: As of this writing, the receipts from the certified mailings have been returned and the sign has been posted on the property. Staff has received two telephone calls of inquiry. Neither caller voiced opposition to the request.