

STAFF REPORT
May 10, 2007

No. 07RZ016 - Rezoning from General Commercial District to Office Commercial District

ITEM 24

GENERAL INFORMATION:

PETITIONER	enVision Design, Inc. for Plum Creek Development LLC
REQUEST	No. 07RZ016 - Rezoning from General Commercial District to Office Commercial District
EXISTING LEGAL DESCRIPTION	A tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County South Dakota. more particularly described as follows: Commencing at the west one-quarter corner of said SW1/4 of Section 16; Thence S00°02'47"E a distance of 520.56 feet to the true point of beginning; Thence S64°12'46"E a distance of 216.53 feet; Thence S37°01'44"W a distance of 323.28 feet; Thence N00°02'47"W a distance of 352.28 feet to the true point of beginning containing an area of 1 acre, more or less.
PARCEL ACREAGE	Approximately 1 acre
LOCATION	Southwest of the intersection of Elk Vale Road and Willowbend Road
EXISTING ZONING	General Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Office Commercial District (Planned Commercial Development)
South:	General Commercial District (Planned Commercial Development)
East:	General Commercial District (Planned Commercial Development)
West:	Limited Agriculture District (Pennington County)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/9/2007
REVIEWED BY	Karen Bulman / Todd Peckosh

RECOMMENDATION: **Based on the recommendations of the Future Land Use Committee on the related Comprehensive Plan Amendments, staff recommends that the Rezoning from General Commercial District to Office Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment and**

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the Planned Development Designation.

GENERAL COMMENTS: This staff report has been revised as of May 1, 2007. All revised and/or added text is shown in bold print. This application was continued at the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the related Comprehensive Plan Amendment. This undeveloped property contains approximately one acre and is located southwest of the intersection of Elk Vale Road and Willowbend Road. The property is currently zoned General Commercial District with a Planned Commercial Development. Land located north of the subject property is zoned Office Commercial District with a Planned Commercial Development. Land located west of the subject property is zoned Limited Agriculture District by Pennington County. Land located south and east of the subject property is zoned General Commercial District with a Planned Commercial Development. In addition to this Rezoning application, the applicant has submitted a Comprehensive Plan Amendment for the subject property from General Agriculture to Office Commercial with a Planned Commercial Development (07CA011). In addition, the applicant has submitted three additional Rezoning applications and three Comprehensive Plan Amendments. The three Comprehensive Plan Amendments change the land use from General Agriculture to General Commercial with a Planned Commercial Development (07CA012, 07CA013, and 07CA017). The three Rezoning applications are to rezone one property from General Agriculture District to General Commercial District (07RZ017), one property from Office Commercial District to General Commercial District (07RZ018), and one property from Low Density Residential II District to General Commercial District (07RZ028).

STAFF REVIEW: Staff has reviewed this application in conjunction with the associated applications and requests that the item be continued to allow the Future Land Use Committee to review the related Comprehensive Plan Amendment requested by the applicant. The Committee will meet on March 30, 2007 to review the request.

Staff requests that this application be continued to the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the request and provide the Planning Commission with a recommendation. The Future Land Use Committee met on March 30, 2007 and will review this application again on April 27, 2007. As such, Staff recommends that the Rezoning from General Commercial District to Office Commercial District be continued to the May 10, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the related Comprehensive Plan Amendment. (Revised April 16, 2007) **The Future Land Use Committee met April 27, 2007 and recommended approval of the associated Comprehensive Plan Amendment to change the land use from General Agriculture to Office Commercial with a Planned Commercial Development.**

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*

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changing conditions of the area and districts affected or in the City in general.

The undeveloped subject property is zoned General Commercial with a Planned Commercial Development. The balance of the property north of the subject property is currently zoned Office Commercial District with a Planned Commercial Development. There are no substantially changed conditions that make it necessary to rezone the subject property. However, the proposed rezoning of the subject property to Office Commercial will allow the entire property to be zoned appropriately for office commercial development.

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

The Office Commercial Zoning District is intended to provide a place 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 adjacent to Office Commercial Zoning Districts and General Agriculture Zoning Districts as a holding zone. Water and sewer facilities will be extended as development occurs. The proposed rezoning appears to be consistent with the intent of the Zoning 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 existing streets and utilities adjacent to the subject property are designed to serve an office commercial development. Elk Vale Road, a principal arterial street on the City's Major Street Plan, is located east of the subject property. South Valley Drive, a collector street on the City's Major Street Plan, is located west of the subject property. Future street improvements and infrastructure improvements will be completed with the future commercial development of the subject property. With the extension of that infrastructure, the proposed amendment does not appear to have any significant adverse effect on the surrounding properties.

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 Comprehensive Land Use Plan identifies this area as appropriate for General Agriculture land uses. The draft Southeast Connector Future Land Use Plan indicates that the subject property is appropriate for Office Commercial land uses with a Planned Commercial Development. An application for a Comprehensive Plan Amendment (07CA011) to change the land use on the subject property to Office Commercial with a Planned Commercial Development has been submitted in conjunction with the rezoning request for the subject property. In addition, a Planned Development Designation has also been submitted. If the Comprehensive Plan Amendment is approved, the proposed rezoning would be consistent with the

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adopted plans.

As of this writing, the required rezoning sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.

The Future Land Use Committee met April 27, 2007 and recommended approval of the associated Comprehensive Plan Amendment to change the land use from General Agriculture to Office Commercial with a Planned Commercial Development. As such, Staff recommends that the rezoning from General Commercial District to Office Commercial District in conjunction with the associated Comprehensive Plan Amendment and the Planned Development Designation be approved. (Revised May 1, 2007)