

STAFF REPORT
May 10, 2007

No. 07RZ017 - Rezoning from General Agriculture District to General Commercial District **ITEM 38**

GENERAL INFORMATION:

PETITIONER	enVision Design, Inc. for Plum Creek Development LLC
REQUEST	No. 07RZ017 - Rezoning from General Agriculture District to General 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: beginning at the southwest corner of said SW1/4 of Section 16, monumented with a "Brass Cap"; Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 659.14 feet; Thence N43°11'32"E a distance of 908.40 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 764.34 feet; Thence S11°27'13"W a distance of 176.90 feet; Thence S00°00'00"E a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 679.73 feet; Thence S36°48'24"E a distance of 230.78 feet to the south line of said SW1/4; Thence S89°58'32"W along said south line a distance of 1152.06 feet to the point of beginning, containing an area of 34 acres, more or less.
PARCEL ACREAGE	Approximately 34 acres
LOCATION	Southeast of the intersection of Elk Vale Road and Willowbend Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential II District (Planned Residential Development)
South:	Limited Agriculture District (Pennington County)
East:	Low Density Residential II District (Planned Residential Development)
West:	General Agriculture District – General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/9/2007

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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 Agriculture District to General Commercial District for a revised legal description submitted by the applicant prior to the Planning Commission meeting be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Development Designation.

GENERAL COMMENTS: This staff report has been revised as of May 3, 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 34 acres and is located southeast of the intersection of Elk Vale Road and Willowbend Road. The property is currently zoned General Agriculture District. Land located north and east of the subject property is zoned Low Density Residential II District with a Planned Residential Development. Land located south of the subject property is zoned Limited Agriculture District by Pennington County. Land located west of the subject property is zoned General Agriculture District. In addition to this Rezoning application, the applicant has submitted a Comprehensive Plan Amendment for the subject property from General Agriculture to General Commercial with a Planned Commercial Development (07CA012). In addition, the applicant has submitted three additional Rezoning applications and three Comprehensive Plan Amendments. Two Comprehensive Plan Amendments change the land use from General Agriculture to General Commercial with a Planned Commercial Development (07CA013 and 07CA017) and one Comprehensive Plan Amendment changes the land use from General Agriculture to Office Commercial with a Planned Commercial Development (07CA011). The three Rezoning applications are to rezone one property from General Commercial District to Office Commercial District (07RZ016), 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 recommends 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 Comprehensive Plan Amendment.

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 Comprehensive Plan Amendment 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 Agriculture District to General 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

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Amendment. (Revised April 16, 2007)

The Future Land Use Committee met April 27, 2007 and reviewed the associated Comprehensive Plan Amendment to change the land use from General Agriculture to General 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 changing conditions of the area and districts affected or in the City in general.*

The undeveloped subject property is zoned General Agriculture District. This zoning was the result of significant discussions and compromises with the previous owners, Ray Elliott and Owen Emme. While the property is now owned by a different LLC, Mr. Elliott remains an owner. The request for additional general commercial zoning at this location was not approved previously. No substantially changed conditions have been identified that make it necessary to rezone the subject property.

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 adjacent to General Agriculture Zoning District, General Commercial Zoning District with a Planned Commercial Development and Low Density Residential II Zoning Districts with a Planned Residential Development. The proposed rezoning for the western portion of the subject property appears to be consistent with the intent of the Zoning District. A revised legal description for the western portion of the subject property shall be submitted prior to Planning Commission approval.

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.*

Elk Vale Road is located west of the subject property. Minnesota Street is proposed to be extended through the subject property. The subject property is currently undeveloped. Water and sewer will need to be extended as development occurs. The lift station for this area is currently near capacity. General commercial activities in the western portion of the subject property appear to be appropriate for the areas adjacent to the General Commercial Zoned Districts. The proposed amendment for the western portion of the subject property 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.*

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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 Planned Residential Development with 6.7 dwelling units per acre land uses. An application for a Comprehensive Plan Amendment (#07CA012) to change the land use on the subject property to General Commercial with a Planned Commercial Development and a Planned Development Designation have been submitted in conjunction with the Rezoning request for the subject property. If the Comprehensive Plan Amendment is approved for the western portion of the subject property, rezoning the western portion of the subject property would be consistent with the Comprehensive Plan.

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 several inquiries and objections regarding the proposed request at the time of this writing, including a letter from an adjacent property owner, requesting that the Rezoning from General Agriculture District to General Commercial District not be allowed.

The Future Land Use Committee met on April 27, 2007 and had serious concerns about the associated Amendment to the Comprehensive Plan to change the land use from General Agriculture to General Commercial with a Planned Commercial Development due to the general commercial land uses encroaching into the residential neighborhood. However, the Future Land Use Committee found that the area adjacent to the proposed intersection of Minnesota Street and Elk Vale Road may be an appropriate location for commercial uses. As such, the Future Land Use Committee recommended that the Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development be approved for a revised legal description identifying a western portion of the subject property. As such, Staff recommends that the rezoning from General Agriculture District to General Commercial District be approved for a revised legal description to be submitted by the applicant prior to the Planning Commission meeting. (Revised May 3, 2007)