

STAFF REPORT
May 10, 2007

No. 07RZ018 - Rezoning from Office Commercial District to General Commercial District **ITEM 40**

GENERAL INFORMATION:

PETITIONER	enVision Design, Inc. for Plum Creek Development LLC
REQUEST	No. 07RZ018 - Rezoning from Office Commercial District to General Commercial District
EXISTING LEGAL DESCRIPTION	A Tract of land located in the SW1/4 of Section 16, T1N, R8E of the 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 N89°53'45"E a distance of 963.59 feet; to the true point of beginning; Thence N89°53'45"E a distance of 440.90 feet; Thence S25°29'36"W a distance of 1072.85 feet to a point of curvature; Thence along the arc of a curve to the right having a radius of 204.00 feet, a central angle of 07°38'22" for a distance of 27.20 feet; Thence N60°47'57"W a distance of 304.64 feet; Thence N64°12'46"W a distance of 214.00 feet; Thence N37°01'44"E a distance of 266.29 feet to a point on a curve from which the radius point of said curve bears N52°56'54"W a distance of 3424.04 feet; Thence northeasterly along the arc of a curve to the left having a radius of 3424.04 feet, a central angle of 10°34'59" for a distance of 632.45 feet to the true point of beginning, containing an area of 10 acres more or less.
PARCEL ACREAGE	Approximately 10 acres
LOCATION	Southeast of the intersection of Elk Vale Road and Willowbend Road
EXISTING ZONING	Office Commercial District (Planned Commercial Development)
SURROUNDING ZONING	
North:	Limited Agriculture District (Pennington County)
South:	General Commercial District (Planned Commercial Development)
East:	Low Density Residential II District (Planned Residential Development)
West:	Office Commercial District (Planned Commercial Development)

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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 Office Commercial District to General Commercial District be denied.

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 10 acres and is located southeast of the intersection of Elk Vale Road and Willowbend Road. The property is currently zoned Office Commercial District with a Planned Commercial Development. Land located north of the subject property is zoned Limited Agriculture District by Pennington County. Land located south of the subject property is zoned General Commercial District with a Planned Commercial Development. Land located west of the subject property is zoned Office Commercial District with a Planned Commercial Development. Land located east of the subject property is zoned Low Density Residential II District with a Planned Residential Development. 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 (07CA013). 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 (07CA012 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 Agriculture District to General Commercial District (07RZ017), one property from General Commercial District to Office Commercial District (07RZ016), 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 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 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 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 Office Commercial District to

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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 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 Office Commercial with a Planned Commercial Development. 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. Staff is unaware of any substantially changed conditions that make it necessary to rezone the subject property at this time.

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. In reviewing the related Comprehensive Plan Amendments, the Future Land Use Committee found that adequate General Commercial land was available at this location to serve the retail business needs of this area as well as the larger community.

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.*

A significant amount of traffic from the commercial land uses would use the local streets and travel through residential areas. Water and sewer will need to be extended as development occurs. The lift station for this area is currently near capacity. The proposed amendment appears to potentially have an adverse effect on the existing and future development of the area.

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. An application for a Comprehensive Plan Amendment to

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change the land use on the subject property to General Commercial with a Planned Commercial Development as well as a Planned Development Designation have been submitted in conjunction with the Rezoning request for the subject property. Rezoning the subject property would be consistent with the Comprehensive Plan only if the Amendment to the Comprehensive Plan is approved.

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. Two letters and a petition signed by 44 area property owners, representing 33 area properties, have been submitted requesting that the Rezoning from Office Commercial District to General Commercial District not be allowed.

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