

STAFF REPORT

June 21, 2007

No. 07RZ044 - Rezoning from General Agriculture District to General Commercial District **ITEM 28**

GENERAL INFORMATION:

PETITIONER	enVision Design Inc. for Plum Creek Development, LLC
REQUEST	No. 07RZ044 - Rezoning from General Agriculture District to General Commercial District
EXISTING LEGAL DESCRIPTION	A Tract of land located in the SW1/4, 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 SW1/4; Thence N89°56'28"E along said south line a distance of 701.09 feet to the east line of the SW1/4 of the SW1/4 of said Section 16; Thence S00°01'14"E along said east line a distance of 1321.57 feet to the south line of said SW1/4; Thence S89°58'32"W along said south line a distance of 1322.78 feet to the point of beginning, containing an area of 35 acres more or less
PARCEL ACREAGE	Approximately 35 acres
LOCATION	Southeast of the intersection of Willowbend Road and Elk Vale Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Low Density Residential II District (Planned Residential Development) - General Commercial District (Planned Commercial Development)
South:	Limited Agriculture District (Pennington County)
East:	Low Density Residential II District
West:	General Agriculture District - General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	5/25/2007
REVIEWED BY	Karen Bulman / Todd Peckosh

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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 be approved in conjunction with the associated Amendment to the Comprehensive Plan and the Planned Development Designation.

GENERAL COMMENTS: This property contains approximately 35 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 of the subject property is zoned Low Density Residential II District with a Planned Residential Development and General Commercial District with a Planned Commercial 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 and General Commercial District with a Planned Commercial Development. Land located east of the subject property is zoned Low Density Residential II District. In addition to this application for a Rezoning from General Agriculture District to General Commercial District, the applicant has submitted an Amendment to the Comprehensive Plan to change the land use designation from General Agriculture to General Commercial with a Planned Commercial Development (07CA025). In addition, the applicant has submitted a Comprehensive Plan Amendment to change the land use on adjacent property from General Agriculture to General Commercial with a Planned Commercial Development (07CA026) and a Comprehensive Plan Amendment to change the land use from General Agriculture to Medium Density Residential with a Planned Residential Development (07CA027). Two rezoning applications also accompany the Comprehensive Plan Amendments. The applicant requests to rezone one property from Low Density Residential II District to General Commercial District (07RZ045) and one property from Low Density Residential II District to Medium Density Residential District (07RZ046).

STAFF REVIEW: The Future Land Use Committee met June 1, 2007 and reviewed the associated Comprehensive Plan Amendment to change the land use from General Agriculture to General Commercial with a Planned Commercial Development.

The following comments are based on the Future Land Use Committee's review of the related Comprehensive Plan Amendments:

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.*

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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 Future Land Use Committee had 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.

- 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, a minor arterial 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. Development of the subject property may be delayed until adequate utilities are extended.

- 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 Planned Residential Development with 6.7 dwelling units per acre land uses. An application for a Comprehensive Plan Amendment (#07CA025) 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 subject property, rezoning the subject property would be consistent with the Comprehensive Plan.

As of this writing, the required rezoning sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff received several inquiries and objections regarding a previous request for the subject property requesting that the Rezoning from General Agriculture District to General Commercial District not be allowed. However, Staff has received inquiries but no objections regarding the current proposed request at the time of this writing.