

STAFF REPORT  
October 24, 2013

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**No. 13RZ025 - Rezoning from General Commercial District to Office Commercial District**

**ITEM 6**

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GENERAL INFORMATION:

APPLICANT	Pilot Properties, LLC
AGENT	Janelle Finck - Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Black Hills Home Builders Association
REQUEST	<b>No. 13RZ025 - Rezoning from General Commercial District to Office Commercial District</b>
EXISTING LEGAL DESCRIPTION	Lot 4 of Block 1 of Big Sky Business Park, located in the W1/2 of the SW1/4 of the NW1/4 and the S1/2 of Government Lot 4, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.00 acres
LOCATION	At the northwest corner of the intersection of Neel Street and Bernice Street
EXISTING ZONING	General Commercial District (Planned Development)
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development) - General Commercial District (Planned Development Designation)
South:	General Commercial District (Planned Development) - General Commercial District - Office Commercial District
East:	Office Commercial District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	September 26, 2013
REVIEWED BY	Fletcher Lacock / Nicole Lecy

RECOMMENDATION:

Staff recommends that the Rezoning from General Commercial District to Office Commercial

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District be approved.

GENERAL COMMENTS:

The applicant has submitted a Rezoning request to change the zoning designation of the above legally described property from General Commercial District to Office Commercial District. The property is currently located within a Planned Development. The applicant has indicated that apartment buildings are the intended use. A Major Amendment to the Planned Development will be required prior to issuance of a building permit.

On July 21, 2005, the Planning Commission approved an Initial and Final Planned Development (File #05PD039) to allow the construction of a grocery store with an on-sale liquor establishment. The legal description for the Initial and Final Planned Development included the above legally described property. However, the proposed development was for the "Don's Valley Market" located to the southwest. The approved Planned Development did not identify any development on the subject property other than open space. The applicant should be aware that a Major Amendment to the Planned Development must be obtained for any proposed development.

The property is located on the northeast corner of Neel Street and Berniece Street. Currently, the property is void of structural development.

STAFF REVIEW:

Staff has reviewed this proposed rezoning request 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 generally.*

Since the construction of Valley View Elementary School on land located to the east, the area has seen more residential development. The proposed rezoning to Office Commercial District would allow for further residential development in the area. Land located adjacent to the east is currently zoned Office Commercial District and is part of a buffer between land zoned General Commercial District to the west and residential districts located to the south and east. The proposed rezoning from General Commercial District to Office Commercial District will further extend the buffer between existing and future commercial uses to the west along Elk Vale Road and established residential uses to the south and east.

2. The proposed amendments shall be consistent with the intent and purposes of this title.

The Rapid City Municipal Code states that the Office Commercial District is established 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. The Rapid City Area Future Land Use Plan identifies the future use of the property as appropriate for commercial use. The subject property is located adjacent to Neel Street which is identified as the location of a future Collector Street on the City's

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Major Street Plan. It appears that the rezoning request is consistent with the intent and purpose of the Zoning Ordinance.

- 3. The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from the amendment.*

The property is zoned General Commercial District with an Initial and Final Planned Development. The Rapid City Area Future Land Use Plan identifies the future use of the property as appropriate for commercial use. The applicant should be aware that a Major Amendment to the Planned Development must be approved prior to issuance a building permit for the proposed apartment development.

- 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 property is served by Rapid City water and sewer. The property is located adjacent to Neel Street which is identified as the location of a future Collector Street on the City's Major Street Plan. A Collector Street requires a minimum of 68 feet of right-of-way. It appears that there is currently 60 feet of right-of-way. An additional 4 feet of right-of-way may be needed from the subject property for the future expansion of Neel Street. The applicant should be aware that a 29 foot front yard setback from the existing property line adjacent to Neel Street will be required or an Exception must be obtained through a Planned Development application.

Summary: The proposed rezoning request extends the buffer between commercial and residential uses in the area. The types of commercial and residential uses allowed in the Office Commercial District will serve as a buffer between the established residential district to the south and east and the general commercial corridor located along Elk Vale Road to the west. As such, staff recommends that the proposed rezoning request be approved.

Notification: The mailings and sign have been picked up. The mailings have been returned to Community Planning and Development Services for posting. Staff has not confirmed that the sign has been posted on the property. Staff will notify the Planning Commission at the October 24, 2013 Planning Commission meeting if this requirement has not been met.