

STAFF REPORT

June 5, 2003

No. 03RZ017 - Rezoning from General Agriculture District to General Commercial District **ITEM 28**

GENERAL INFORMATION:

PETITIONER	FMG, Inc. for Bypass LLC
REQUEST	No. 03RZ017 - Rezoning from General Agriculture District to General Commercial District
EXISTING LEGAL DESCRIPTION	That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1188.29 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the east section line of Section 28; thence S00°01'17"E, 1383.49 feet to a point along the east section line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S00°01'04"E, 663.68 feet to a point at the south 1/16 corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning
PARCEL ACREAGE	Approximately 35.62 acres
LOCATION	North and west of the intersection of I-90 and Elk Vale Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	General Agriculture District (County)
South:	General Commercial District/General Agriculture District
East:	Box Elder
West:	General Agriculture District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	03/28/2003
REPORT BY	Vicki L. Fisher

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RECOMMENDATION:

Staff recommends that the Rezoning from General Agriculture District to General Commercial District be **approved**.

GENERAL COMMENTS:

This item has been continued twice since the April 24, 2003 Planning Commission meeting to allow the applicant to submit a Comprehensive Plan Amendment on a portion of the above legally described property. This Staff Report has been revised as of May 26, 2003. All revised and/or added text is shown in bold print. The applicant has submitted a request to change the zoning from General Agriculture District to General Commercial District on the above legally described property. The applicant has also submitted a Comprehensive Plan Amendment request seeking to change the future land use designation from Light Industrial to General Commercial on the subject property. **On May 19, 2003, the City Council approved the Comprehensive Plan Amendment request as identified.** In addition, the applicant has submitted a Layout Plat to subdivide the subject property and an adjacent 102 acres into 34 lots. The applicant has also submitted a Variance to the Subdivision Regulations to waive the requirement to improve Elk Vale Road and to construct sidewalks within commercial areas in conjunction with the Layout Plat. (See companion items #02CA016, 03PL038 and 03SV016.)

The property is located north and west of the intersection of I-90 and Elk Vale Road and is currently void of any structural development

Upon review of the associated Comprehensive Plan Amendment request, staff noted that a portion of the property is identified as General Commercial with a Planned Commercial Development on the Elk Vale Neighborhood Area Future Land Use Plan. As such, the applicant has indicated that a revised legal description identifying the area exclusively shown as appropriate for industrial use(s) on the Future Land Use Plan will be submitted for review and approval. In addition, a separate Comprehensive Plan Amendment request will be submitted to change the future land use designation for that portion of the property currently shown as General Commercial with a Planned Commercial Development to General Commercial. **On April 11, 2003, the applicant submitted a Comprehensive Plan Amendment to change approximately 9.04 acres of the subject property from General Commercial with a Planned Development to General Commercial.**

STAFF REVIEW:

Staff has evaluated the proposed rezoning as it relates to the four criteria for the review of the zoning map amendments. A summary of Staff findings is outlined below:

- 1. The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and district affected, or the City in general.***

The property is currently zoned General Agriculture District. The General Agriculture District has served as a holding zone until such time as the property is developed.

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The recent extension of City sewer and water services to the City's Visitors Center have changed the conditions within the area to support the extension of commercial development. In addition, Elk Vale Road, a principal arterial street as classified on the City's Major Street Plan, is located east of the subject property. Mall Drive, located south of the subject property, is also classified as a principal arterial street. It is anticipated that this will be an area of the community that will experience continued growth and development in the immediate and foreseeable future.

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

The purpose of the General Commercial District as stated in the Zoning Ordinance is to "...provide for personal and business services and the general retail business of the City". The location of the property adjacent to two principal arterial roadways makes it a desirable location for general commercial activities serving the general retail business needs of the community. The subject property is also located within close proximity to I-90, a major gateway into Rapid City, making the area desirable for commercial activities to serve the traveling public.

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 amendment.*

Staff does not believe that rezoning this property will result in any adverse impacts. The recent extension of municipal services to the area as well as the location of the site adjacent to the principal arterial streets support commercial development. In addition, rezoning the property as proposed will serve as a buffer between the general commercial development located south of the subject property, which is the site of the City's Visitor Center, and the future light industrial development(s) to be located north of the subject property.

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.*

As previously indicated the applicant has submitted a Comprehensive Plan Amendment to change the future land use designation on the subject property from Light Industrial and General Commercial with a Planned Development Designation to General Commercial. The Elk Vale Neighborhood Future Land Use Plan identifies the appropriate land use for the properties located directly south of the subject property as General Commercial. The location of this request is a continuation of existing and future general commercial uses(s) on these adjacent properties. Staff is recommending that the two associated Comprehensive Plan Amendments be approved in conjunction with this Rezoning request in order to maintain conformity with the City's adopted plan.

As of this writing, the receipts from the certified mailing have not been returned nor

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has the sign been posted on the property. Staff will notify the Planning Commission at the June 5, 2003 Planning Commission meeting if these requirements have not been met. Staff has received two calls regarding this proposal. Neither caller opposed the proposed rezoning request.