

STAFF REPORT

April 8, 2004

No. 04RZ014 - Rezoning from General Agriculture District to Office Commercial District

ITEM 17

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for William DeLorimier
REQUEST	No. 04RZ014 - Rezoning from General Agriculture District to Office Commercial District
EXISTING LEGAL DESCRIPTION	From a point beginning 1819.80 feet at a bearing S89°27'22" East from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: travel 164.88 feet at a bearing N45°08'43" East to a point; thence 301.36 feet at a bearing N45°24'39" East to a point; thence travel 210.28 feet at a bearing N54°45'23" East to a point; thence travel 48.86 feet at a bearing S15°57'26" West to a point; thence travel 528.84 feet at a bearing S0°46'13" West to a point; thence travel 282.52 feet at a bearing S75°51'59" West to a point; thence travel along a 437.22 foot radius concave Southeasterly curve with a chord bearing S65°50'42" West, at a chord distance of 404.47 feet to a point; thence travel 27.01 feet at a bearing N54°21'55" West to a point; then travel along a 99.95 foot radius easterly curve with a chord bearing N04°34'14" West a distance of 152.68 feet to a point; then travel 274.08 feet at a bearing N45°11'37" East to the point of beginning; said area contains approximately 5.6 acres
PARCEL ACREAGE	Approximately 5.6 acres
LOCATION	Along Tower Road
EXISTING ZONING	General Agriculture District
SURROUNDING ZONING	
North:	Medium Density Residential District w/PRD
South:	Park Forest District
East:	General Commercial District w/PCD
West:	General Agriculture District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	03/11/2004
REPORT BY	Karen Bulman

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RECOMMENDATION: Staff recommends that the Rezoning from General Agriculture District to Office Commercial District be approved in conjunction with the Planned Development Designation and the related Comprehensive Plan Amendment with the following revised legal description:

“from a point beginning 1819.80 feet at a bearing S89°27'22" East from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM. This is the point of beginning. Travel 484.47 feet at a bearing S89°27'22" East, then travel 121.99 feet at a bearing S00°46'13" West, then travel 282.52 feet at a bearing S75°51'59" West, then travel along a 437.22 foot radius concave southeasterly curve with a chord bearing S65°50'42" West, at a chord distance of 404.47 feet, then travel 27.01 feet at a bearing N54°20'05" West, then travel along a 100 foot radius concave easterly curve with a chord bearing N04°34'14" West a chord distance of 152.52 feet, then travel 273.99 feet at a bearing N45°10'32" East to the point of beginning; the area described contains approximately 2.95 acres”.

GENERAL COMMENTS: The subject property is located north of Tower Road and west of Mt. Rushmore Road. The property is currently void of any structural development and is zoned General Agriculture District. The property owner has submitted a request to rezone the property from General Agriculture District to Office Commercial District with a Planned Development Designation and a related Amendment to the Comprehensive Plan to change the land use from Residential to Office Commercial with a Planned Commercial Development.

The applicant has submitted several applications for proposals located in the Tower Road area incorporating approximately 57.79 acres. In addition to the Rezoning from General Agriculture District to Office Commercial District, the applicant has submitted fifteen applications that will be heard at the April 8, 2004 Planning Commission meeting, including: four Planned Development Designations, three Rezoning requests, four Comprehensive Plan Amendments, and four Layout Plats. The Layout Plats submitted by the applicant indicate subdividing the property into Tower Road Offices, a Tower Road Retirement Center, and ten Senior Townhomes. (See companion items: 04PL030, 04CA011, 04PD022, 04PL031, 04RZ015, 04PD019, 04CA012, 04PL032, 04RZ016, 04PD020, 04CA013, 04PL033, 04RZ017, 04CA014, and 04PD021.)

The applicant met with the Future Land Use Committee on March 26, 2004 to request a change in land use from Residential to Office Commercial with a Planned Commercial Development. An initial application to rezone the subject property from General Agriculture District to Office Commercial District was submitted. Upon review, it was noted that the subject property actually was zoned General Agriculture District on the south half of the property and Park Forest District on the north half of the property. As such, staff recommends that the application be approved for the south half of the subject property only. The applicant has submitted a separate application to be heard at the April 22, 2004 Planning Commission meeting rezoning the north half of the property from Park Forest District to Office Commercial District.

STAFF REVIEW: 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

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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 recent development of property located north of the subject property has brought the extension of water and sewer to the area. The close proximity of water and sewer makes substantial changes in the condition of the area and increases the potential development of the subject property as well as the surrounding area. The applicant has submitted several applications for development of the Tower Road area, including this office commercial site.

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

Office Commercial Zoning District is intended 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. Land, space and aesthetic requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods. Office Commercial District is a good transition and buffer between the more intense General Commercial Districts and lower density residential districts adjacent to the property. Rezoning the subject property from General Agriculture District to Office Commercial District appears to be consistent with the intent of this ordinance due to the mixture of residential and commercial zoning in the area.

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.*

The subject property will require an extension of a commercial street from Tower Road to Fairmont Boulevard to provide road connectivity within this area. Zoning the subject property from General Agriculture District to Office Commercial District will create additional traffic. A geotechnical analysis of the area to determine the slope stability will be required prior to development of the subject property. A request for a Planned Development Designation (04PD022) has been submitted in conjunction with this rezoning application. The Planned Commercial Development – Initial and Final Development Plan will address site specific concerns relative to drainage, slope stability, traffic and street improvements on the subject property.

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 Future Land Use Committee met on March 26, 2004 and recommended an Amendment to the Comprehensive Plan to change the land use on the subject property from Residential land use to Office Commercial with a Planned Commercial Development land use. If the related Amendment to the Comprehensive Plan (04CA011) to change the land use designation on the subject property from Residential to Office Commercial with a Planned Commercial Development is approved, then this amendment would be consistent with the City's Comprehensive Plan.

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As of this writing, the required rezoning sign has not been posted on the property and the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the April 8, 2004 Planning Commission meeting if these requirements have not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.