

STAFF REPORT

April 8, 2004

No. 04RZ017 - Rezoning from General Agriculture District to Office Commercial District

ITEM 29

GENERAL INFORMATION:

PETITIONER	Wyss Associates, Inc. for WEB Land Holdings, LLC
REQUEST	No. 04RZ017 - Rezoning from General Agriculture District to Office Commercial District
EXISTING LEGAL DESCRIPTION	From the SW corner of the SE1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 feet radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; then travel 81.39 feet at a bearing N36°20'49" East to a point; then travel 153.21 feet at a bearing S57°34'25" East to a point; then travel 103.30 feet at a bearing S33°19'07" East to a point; then travel 112.51 feet at a bearing S89°39'33" East to a point; then travel 60.0 feet at a bearing S00°11'26" West to a point; then travel 111.72 feet at a bearing S70°08'07" East to a point; then travel 173.70 feet at a bearing S41°26'10" East to a point; then travel 254.17 feet at a bearing S00°38'41" West to a point; then travel 144.79 feet at a bearing S31°48'32" West to a point; then travel 129.59 feet at a bearing S40°32'04" East to a point; then travel 2208.76 feet at a bearing N89°39'00" West to the point of beginning; said area contains approximately 34.6 acres
PARCEL ACREAGE	Approximately 34.6 acres
LOCATION	Along Tower Road
EXISTING ZONING	General Agriculture District

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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 03/12/2004

REPORT BY Karen Bulman

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.

GENERAL COMMENTS: The subject property is located approximately 1,220 feet west of the Tower Road/Mount Rushmore Road intersection on the south side of Tower 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, 04RZ014, 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.

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 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.*

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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. The Office Commercial Zoning District will provide a transition and buffer between more intense general commercial uses to the east and residential uses to the west. 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.

Rezoning the subject property from General Agriculture District to Office Commercial District will create additional traffic. Street improvements along Tower Road and Mt. Rushmore Road will be reviewed upon development of the property. A geotechnical analysis of the area to determine the slope stability will be required prior to development of the subject property as a part of the requested Planned Development Designation request. A request for a Planned Development Designation (04PD021) 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 (04CA014) 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.

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

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not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.