

STAFF REPORT
December 8, 2005

No. 05RZ026 - Rezoning from No Use District to General Commercial District **ITEM 22**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 05RZ026 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	The SW1/4SW1/4SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; the west 130 feet of NW1/4NW1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the west 130 feet lying adjacent to RR ROW and south of RR ROW, located in the SW1/4SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 670 feet of the NW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 35.5 acres
LOCATION	East of the intersection of East Anamosa Street and Elk Vale Road
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District - General Commercial District
South:	General Commercial District (Planned Commercial Development) - Office Commercial District (Planned Commercial Development)
East:	No Use District - General Commercial District
West:	General Commercial District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	2/25/2005
REVIEWED BY	Karen Bulman / Michelle Horkey

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Commercial District be **approved in conjunction with a Planned Development Designation.**

GENERAL COMMENTS: **This staff report has been revised as of November 30, 2005. All revised and/or added text is shown in bold print.** This undeveloped property contains approximately 35.5 acres and is located south of Interstate 90 and east of Elk Vale Road.

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The subject property was annexed into the City effective May 4, 2003 and placed in a No Use Zoning District. The property located north and east of the subject property is zoned No Use District and General Commercial District. The property located south of the subject property is zoned General Commercial District with a Planned Commercial Development and Office Commercial District with a Planned Commercial Development. The property located west of the subject property is zoned General Commercial District.

STAFF REVIEW: The subject property is identified on the Elk Vale Neighborhood Future Land Use Plan as appropriate for General Commercial land uses with a Planned Commercial Development. Prior to completing the rezoning for this property, a Planned Development Designation application must be submitted. Staff is requesting this rezoning from No Use District to General Commercial District be continued to the April 7, 2005 Planning Commission meeting in order to review the Planned Development procedure with the landowners. The property owner has requested to meet with the Future Land Use Committee to review land use designations for the owner's property adjacent to the subject property. As such, staff is recommending that this application to rezone the subject property from No Use District to General Commercial District be continued to the May 26, 2005 Planning Commission meeting to be heard in conjunction with the associated adjacent properties. (3-30-05) This item was continued at the April 7, 2004 Planning Commission meeting in order to allow the property owners to meet with the Future Land Use Committee. The Committee met with the landowners on May 6, 2005 and will continue to meet with the property owners on site May 27, 2005. As such, staff is requesting that this application be continued to the June 9, 2005 Planning Commission meeting to allow the landowners to meet with the Future Land Use Committee. (Revised 5-16-05) The Future Land Use Committee met on site with the property owners and continues to review the multiple land use designations for the subject property. As such, staff is requesting that this application be continued to the August 25, 2005 Planning Commission meeting to allow the landowners to meet with the Future Land Use Committee. (Revised 5-31-05) The Future Land Use Committee and the property owners continue to review the multiple land use designations for the subject property. As such, staff is requesting that this application be continued to the November 10, 2005 Planning Commission meeting to allow the landowners to meet with the Future Land Use Committee. (Revised 8-12-05) The property owners plan to submit a land use plan for the property prior to the next Planning Commission meeting. As such, the applicant has requested that this item be continued to the November 23, 2005 Planning Commission meeting. (Revised 11-2-05) The property owner has submitted a land use plan for the area. In order for staff to have adequate time to review the plan, staff is requesting that this item be continued to the December 8, 2005 Planning Commission meeting. The applicant is in concurrence with the recommendation to continue the application to the December 8, 2005 Planning Commission meeting. (Revised 11-16-05) **Staff has reviewed the land use plan submitted by the property owner requesting that the subject property be rezoned General Commercial District.**

The Future Land Use Committee previously reviewed and supported the General Commercial land use for the subject property with a Planned Development Designation. The property owner has agreed with this request to submit an application for a Planned Development Designation on this property.

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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.*

A voluntary annexation of the subject property (03AN006) was effective in July 2003. All annexed lands are temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. This undeveloped property is located along N. Elk Vale Road and in an area that is reflective of continuing commercial development.

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

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 Commercial Districts, Office Commercial Districts and No Use Districts. The property owners have indicated that infrastructure will be extended into the area as development occurs. Due to potential conflict with any future development in the area and N. Elk Vale Road, a principal arterial street, the Future Land Use Committee recommends approval of this rezoning in conjunction with a Planned Development Designation. An application for a Planned Development Designation is to be submitted in conjunction with this rezoning request.

- 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 is located adjacent to General Commercial and Office Commercial Zoning Districts. The applicant has indicated that water and sewer will be available to the subject property as development occurs. North Elk Vale Drive, a principal arterial street is located adjacent to the subject property. Development issues including; drainage, traffic, landscape buffers, wild land fire mitigation, and any other issues, will be addressed at the time of the Planned Commercial Development – Initial and Final Plan. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from No Use District to General Commercial District.

- 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 North Elk Vale Neighborhood Future Land Use Plan identifies this area as appropriate for General Commercial land use with a Planned Commercial Development. The Planned Commercial Development will allow the developer some

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flexibility in utilizing the subject property and will mitigate any issues that may occur with future development. The Future Land Use Committee has recommended that a Planned Development Designation be located on the subject property. The property owner has indicated that the extension of sewer and water will be brought to the property as development occurs. Rezoning the subject property in conjunction with a Planned Development Designation appears to be appropriate. (Revised 11-30-05)

As of this writing, the required sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.