

STAFF REPORT
May 10, 2007

No. 07RZ028 - Rezoning from Low Density Residential II District to General Commercial District **ITEM 42**

GENERAL INFORMATION:

PETITIONER enVision Design, Inc. for Plum Creek Development LLC

REQUEST **No. 07RZ028 - Rezoning from Low Density Residential II District to General Commercial District**

EXISTING
LEGAL DESCRIPTION A tract of land located in the SW1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more particularly described as follows: Commencing at the southwest corner of said SW1/4 of Section 16, monumented with a "brass cap": Thence N00°02'47"W along the west line of said SW1/4 of Section 16 a distance of 1320.78 feet to the south line of the N1/2 of said SW1/4; Thence N89°56'28"E along said south line a distance of 622.29 feet to the true point of beginning; Thence N43°11'32"E a distance of 341.06 feet; Thence S52°58'51"E a distance of 45.24 feet; Thence S73°29'03"E a distance of 86.87 feet; Thence N65°38'53"E a distance of 86.30 feet; Thence N45°00'00"E a distance of 240.00 feet; Thence S45°00'00"E a distance of 127.13 feet to a point on a curve from which the radius of said curve bears S38°06'51"E a distance of 296.00 feet; Thence north easterly along the arc of a curve to the right having a radius of 296.00 feet, a central angle of 18°38'05" for a distance of 96.27 feet; Thence departing said curve S00°06'26"E a distance of 301.76 feet; Thence S11°27'13"W a distance of 233.77 feet; Thence S00°00'00"E a distance of 425.77 feet; Thence N90°00'00"E a distance of 82.76 feet; Thence S47°24'00"E a distance of 55.30 feet; Thence S42°36'00"W a distance of 223.52 feet to the east line of the SW1/4 of the SW1/4 of said Section 16; Thence N00°01'14"W along said east line a distance of 801.05 feet to said south line of the N1/2 of the SW1/4; Thence S89°56'28"W along said south line a distance of 701.09 feet to the true point of beginning, containing an area of five acres, more or less.

PARCEL ACREAGE Approximately 5 acres

LOCATION Southeast of the intersection of Elk Vale Road and Willowbend Road

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EXISTING ZONING	Low Density Residential II District (Planned Residential Development)
SURROUNDING ZONING	
North:	Low Density Residential II District (Planned Residential Development)
South:	General Agriculture District
East:	Low Density Residential II District (Planned Residential Development)
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	City sewer and water
DATE OF APPLICATION	3/9/2007
REVIEWED BY	Karen Bulman / Todd Peckosh

RECOMMENDATION: Based on the recommendations of the Future Land Use Committee on the related Comprehensive Plan Amendments, staff recommends that the Rezoning from Low Density Residential II District to General Commercial District be denied.

GENERAL COMMENTS: This staff report has been revised as of May 1, 2007. All revised and/or added text is shown in bold print. This application was continued at the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the related Comprehensive Plan Amendment. This undeveloped property contains approximately five acres and is located southeast of the intersection of Elk Vale Road and Willowbend Road. The property is currently zoned Low Density Residential II District with a Planned Residential Development. Land located north and east of the subject property is zoned Low Density Residential II District with a Planned Residential Development. Land located south of the subject property is zoned General Agriculture District. Land located west of the subject property is zoned General Commercial District with a Planned Commercial Development. In addition to this Rezoning application, the applicant has submitted a Comprehensive Plan Amendment for the subject property from General Agriculture to General Commercial with a Planned Commercial Development (07CA017). In addition, the applicant has submitted three additional Rezoning applications and three Comprehensive Plan Amendments. Two Comprehensive Plan Amendments change the land use from General Agriculture to General Commercial with a Planned Commercial Development (07CA013 and 07CA012) and one Comprehensive Plan Amendment changes the land use from General Agriculture to Office Commercial with a Planned Commercial Development (07CA011). The three Rezoning applications are to rezone one property from General Agriculture District to General Commercial District (07RZ017), one property from General Commercial District to Office Commercial District (07RZ016), and one property from Office District to General Commercial District (07RZ018).

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STAFF REVIEW: Staff has reviewed this application in conjunction with the associated applications and recommends that the item be continued to allow the Future Land Use Committee to review the related Comprehensive Plan Amendment requested by the applicant. The Future Land Use Committee had a meeting with the applicant on March 30, 2007 to review the Comprehensive Plan Amendment as well as the other applications for the surrounding property. The Future Land Use Committee will meet again on April 27, 2007 to review the application. As such, staff recommends that this application be continued to the May 10, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the related Comprehensive Plan Amendment and to provide the Planning Commission with a recommendation.

The Future Land Use Committee met April 27, 2007 and reviewed the associated Comprehensive Plan Amendment to change the land use from General Agriculture to General Commercial with a Planned Commercial Development.

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.***

The undeveloped subject property is zoned Low Density Residential II District with a Planned Residential Development. No substantially changed conditions that make it necessary to rezone the subject property have been identified.

- 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 Zoning District with a Planned Commercial Development on the west boundary, General Agriculture Zoning District and Low Density Residential II Zoning Districts with a Planned Residential Development on the east, north and south boundaries. A Rezoning to General Commercial District will remove a significant buffer between the residential and general commercial land uses. Further, the Future Land Use Committee found in reviewing the related Comprehensive Plan Amendment that adequate land for general commercial development is available in this area of the community. The proposed rezoning appears to be inconsistent with the intent of the Zoning District.

- 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 currently not developed. A significant amount of traffic from the commercial land uses will be using the local streets and traveling through residential areas. Water and sewer will need to be extended as development occurs.

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The lift station for this area is currently near capacity. The proposed amendment appears to have the potential for an adverse effect on the surrounding properties.

- 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 Comprehensive Land Use Plan identifies this area as appropriate for General Agriculture land uses. The draft Southeast Connector Future Land Use Plan indicates that the subject property is appropriate for Low Density Residential land uses. An application for a Comprehensive Plan Amendment to change the land use on the subject property to General Commercial with a Planned Commercial Development as well as a Planned Development Designation has been submitted in conjunction with the Rezoning request for the subject property. Rezoning the subject property would be consistent with the Comprehensive Plan only if the Amendment to the Comprehensive Plan is approved.

As of this writing, the required rezoning sign has been posted on the property and the receipts from the certified mailing have been returned. Staff has received several inquiries and objections regarding the proposed request at the time of this writing, including an adjacent property owner, requesting that the Rezoning from Low Density Residential II District to General Commercial District not be allowed.

The Future Land Use Committee met April 27, 2007 and recommended denial of the associated Comprehensive Plan Amendment to change the land use from General Agriculture to General Commercial with a Planned Commercial Development. As such, Staff recommends that the rezoning from Low Density Residential II District to General Commercial District be denied. (Revised May 1, 2007)