

STAFF REPORT
July 26, 2007

No. 07RZ012 - Rezoning from No Use District to General Commercial District **ITEM 43**

GENERAL INFORMATION:

PETITIONER	Dream Design International, Inc.
REQUEST	No. 07RZ012 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lot 1 of Marlin Industrial Park, located in the NW1/4 NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.83 acres
LOCATION	Southwest of the intersection of Elk Vale Road and Creek Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Agriculture District
South:	No Use District
East:	No Use District
West:	No Use District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	2/9/2007
REVIEWED BY	Travis Tegethoff / Emily Fisher

RECOMMENDATION: Based on the recommendations of the Future Land Use Committee on the related Comprehensive Plan Amendments, staff recommends that the Rezoning from No Use District to General Commercial District be denied without prejudice.

GENERAL COMMENTS: This staff report has been revised as of July 18, 2007. All revised and/or added text is shown in bold print. This item was continued at the July 5, 2007 Planning Commission to allow the Future Land Use Committee to meet on the requested Amendment. The Future Land Use Committee considered this item on July 20, 2007 and the Future Land Use Committee is recommending that this item be denied without prejudice.

This undeveloped property contains approximately 4.83 acres and is located southwest of the intersection of Elk Vale Road and Creek Drive. The applicant is requesting that the property be rezoned from No Use District to General Commercial District. The applicant is

STAFF REPORT
July 26, 2007

No. 07RZ012 - Rezoning from No Use District to General Commercial District **ITEM 43**

also requesting an Amendment to the Adopted Comprehensive Plan (07CA008) to change the land use designation from General Agriculture to General Commercial.

Land located south, east, and west of the subject property is zoned No Use District. Land located north of the subject property is zoned General Agricultural District. The Long Range Comprehensive Plan indicates that this property is appropriate for General Agricultural land uses and the Draft Future Land Use Plan for the Southeast Connector Neighborhood indicates that this property is appropriate for Office Commercial land uses with a Planned Development Designation.

On June 7, 2004 City Council approved an Annexation (04AN003) that included the subject property and temporarily placed the area in a No Use Zoning District.

On March 20, 2006, City Council approved a Preliminary Plat (06PL004) with stipulations that included the subject property.

On November 21, 2006 a Final Plat (06PL173) was approved for the subject property.

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.*

All annexed lands are temporarily placed in a No Use Zoning District. The annexation of the property and the approved plat constitutes the changing conditions requiring rezoning of the property. Amendments to the existing zoning are appropriate.

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

The General Commercial Zoning District is intended to be used for personal and business services and the general retail business of the city. It appears the intent of the approved plat was to provide an area for industrial development near existing industrial uses. The proposed zoning is not consistent with the surrounding zoning designations since the area to the west and south is proposed to be developed as industrial and the area east of the subject property is proposed for residential development based on the Draft Future Land Use Plan for the Southeast Connector Neighborhood. The intent of Draft Future Land Use Plan for the Southeast Connector Neighborhood is to provide a buffer between the proposed residential and industrial uses. Rezoning the subject property from No Use District to General Commercial District does not appear to be appropriate with the future development of 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.*

STAFF REPORT
July 26, 2007

No. 07RZ012 - Rezoning from No Use District to General Commercial District **ITEM 43**

As previously indicated a Preliminary and Final Plat was approved for the subject property and water and sewer are proposed to be extended into the subject property as development occurs. However, rezoning the subject property from No Use District to General Commercial District will not provide a sufficient buffer between the arterial street and the proposed industrial and residential areas. This rezoning request will adversely affect the adjacent properties by potentially allowing a more intense land use in the area and not being compatible with the existing and proposed land uses.

- 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 Long Range Comprehensive Plan indicates that this property is appropriate for General Agricultural land uses. The Draft Future Land Use Plan for the Southeast Connector Neighborhood indicates that this property is appropriate for Office Commercial land uses with a Planned Development Designation. As such, rezoning the subject property from No Use District to General Commercial District is not consistent with the adopted Long Range Comprehensive Plan or the Draft Future Land Use Plan for the Southeast Connector Neighborhood.

This item was continued to the March 22, 2007 Planning Commission meeting to allow the legal notification requirement to be met and to be heard in conjunction with the associated Comprehensive Plan Amendment. This item was continued to the April 5, 2007 Planning Commission meeting to allow the Future Land Use Committee to meet on the requested Amendment.

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.

Staff recommends that the Rezoning from No Use District to General Commercial District be continued to the April 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to meet on the requested Rezoning.

Future Land Use Committee is recommending that this item be continued to the May 10, 2007 Planning Commission meeting since they will consider this item on April 27, 2007. This item was continued to the May 10, 2007 Planning Commission meeting to allow the Future Land Use Committee to review the requested Amendment. The Future Land Use Committee has met several times to discuss this request. They have scheduled an additional meeting to discuss the issue with the Economic Development Partnership staff. Staff recommends that this request be continued to the May 24, 2007 Planning Commission meeting to allow the Future Land Use Committee to continue their review of the request.

The Future Land Use Committee met May 11, 2007 and recommended denial of the associated Comprehensive Plan Amendment to change the land use from General Agriculture to General Commercial. As such, Staff recommends that the rezoning from No

STAFF REPORT
July 26, 2007

No. 07RZ012 - Rezoning from No Use District to General Commercial District ITEM 43

Use District to General Commercial District be denied. (Revised May 15, 2007)

This item was continued to the June 7, 2007 Planning Commission meeting at the applicant's request. This item was continued to the June 21, 2007 Planning Commission meeting at the applicant's request. This item was continued to the July 5, 2007 Planning Commission meeting to allow the Future Land Use Committee to meet on the requested Amendment. **This item was continued to the July 26, 2007 Planning Commission meeting to allow the Future Land Use Committee to meet on the requested Amendment.**

The Future Land Use Committee met July 20, 2007 and recommended denial of the associated Comprehensive Plan Amendment to change the land use from General Agriculture to General Commercial. The Future Land Use Committee had concerns with the potential conflict with the existing and proposed industrial development, the truck traffic through the proposed commercial development into the industrial development, and the strip commercial development along Elk Vale Road. The Future Land Use Committee also noted there is currently an adequate amount of General Commercial property located in the area. The Future Land Use Committee did indicate that in the future if the applicant had a specific use for the property that was not allowed in an Industrial Zoning District that the Future Land Use Committee could reconsider the application at that time. As such, staff recommends that the rezoning from No Use District to General Commercial District be denied without prejudice.