

STAFF REPORT

May 8, 2008

No. 08RZ006 - Rezoning from Low Density Residential District to ITEM 9 Office Commercial District

GENERAL INFORMATION:

APPLICANT	Stoney Creek Development
AGENT	Boschee Engineering
PROPERTY OWNER	J. L. Bendt
REQUEST	No. 08RZ006 - Rezoning from Low Density Residential District to Office Commercial District
EXISTING LEGAL DESCRIPTION	A parcel of land located within the unplatted portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at the northwest lot corner of Lot 3, Block 3 of Stoney Creek South Subdivision; said point is also lying on the easterly right-of-way line of Bendt Drive; Thence northerly along said easterly right-of way line the following two courses: Thence N01°34'53"E, 40.08 feet to a point of curvature; Thence northerly along the arc of said curve to the right whose radius is 174.00 feet and whose central angle is 40°47'10", an arc length of 123.86 feet to a point on said curve; said point also being the southwest lot corner of Tract BD of Stoney Creek South Subdivision; Thence S70°48'41"E, along the southerly lot line of said Tract BD, a distance of 124.47 feet; Thence departing said southerly lot line S19°11'19"W, 116.69 feet to the northeast lot corner of said Lot 3, Block 3; thence S89°21'43"W, along the north lot line of said Lot 3, Block 3, a distance of 125.70 feet to the Point of Beginning, containing 0.426 acres more or less
PARCEL ACREAGE	Approximately 0.426 acres
LOCATION	South of Catron Boulevard between Bendt Drive and Nugget Gulch Road
EXISTING ZONING	Low Density Residential District (Planned Development Designation)
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)

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South:	Low Density Residential District (Planned Development Designation)
East:	Low Density Residential District (Planned Development Designation)
West:	General Commercial District (Planned Development Designation)
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	4/1/2008
REVIEWED BY	Travis Tegethoff / Mary Bosworth

RECOMMENDATION: Based on the recommendations of the Future Land Use Committee on the related Comprehensive Plan Amendment, Staff recommends that the Rezoning from Low Density Residential District to Office Commercial District be approved in conjunction with the associated Amendment to the Adopted Comprehensive Plan to change the land use designation from a Planned Residential Development with 4.8 dwelling units per acre to Office Commercial with a Planned Commercial Development.

GENERAL COMMENTS: (Update: April 28, 2008. All revised and/or added text is shown in bold.) This item was continued to the May 8, 2008 Planning Commission meeting to allow the legal notification requirement to be met. The applicant has submitted this Rezoning request to change the zoning designation of the property from Low Density Residential District to Office Commercial District. This undeveloped property contains approximately 0.426 acres and is located southeast of the intersection of Catron Boulevard and Bendt Drive. In addition, the applicant has submitted an Amendment to the Adopted Comprehensive Plan (#08CA005) to change the land use designation from a Planned Residential Development with 4.8 dwelling units per acre to Office Commercial with a Planned Commercial Development. Land located south and east of the property is zoned Low Density Residential District with a Planned Development Designation. Land located north and west of the property is zoned General Commercial District with a Planned Development Designation. The US Highway 16 Neighborhood Area Future Land Use Plan indicates that this property is appropriate for a Planned Residential Development with 4.8 dwelling units per acre.

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.***

Staff is unaware of any changing conditions.

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

The 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 property in question is a transitional area between the general commercial development to the west and the low density residential development to the east and south. The property's location is in a relatively close proximity to a principal arterial street and appears to support the proposed Office Commercial zoning. The proposed rezoning to Office Commercial appears to be consistent with the intent and purpose of the Zoning Ordinance.

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 property in question is located in a transitional area between the General Commercial zoning to the west and the Low Density zoning to the south and east. The topographic conditions of the site, including the rock outcroppings to the east and south provide a significant buffer to the adjacent areas and physically separate the property from the adjacent areas. A Planned Development Designation was submitted and approved for the property. The additional review provided by an Initial and Final Planned Commercial Development process will ensure that possible adverse impacts of development are mitigated. Based on the provision of a Planned Development, staff has not identified any significant adverse impacts that will result from the requested rezoning.

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.

Water and sewer services have been extended to the area as part of the platting process and appear to be adequate to support the proposed commercial development. The US Highway 16 Neighborhood Area Future Land Use Plan indicates that this property is appropriate for a Planned Residential Development with 4.8 dwelling units per acre. If the associated Comprehensive Plan Amendment is approved, the rezoning request will be consistent with the adopted Future Land Use Plan. For this reason, staff is recommending approval of the rezoning request in conjunction with the associated Comprehensive Plan Amendment.

If the related Comprehensive Plan Amendment is approved, the rezoning of the property from Low Density Residential District to Office Commercial District will be consistent with the Comprehensive Plan.

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Notification: 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.