

STAFF REPORT
September 23, 2010

**No. 10RZ043 - Rezoning from Medium Density Residential District
to General Commercial District**

ITEM 27

GENERAL INFORMATION:

APPLICANT	Property Rentals, Inc.
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Property Rentals, Inc.
REQUEST	No. 10RZ043 - Rezoning from Medium Density Residential District to General Commercial District
EXISTING LEGAL DESCRIPTION	Tract G (less part of Lots 1, 2, 3A and 3B and less Lot H1); Tract H (less part of Lots 1 and 29 of Fairway Hills and less Lot H1); and Lot 1 of Tract I all of Arrowhead View Addition, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.75 acres
LOCATION	3800 Fairway Hills Drive
EXISTING ZONING	Medium Density Residential District (Planned Residential Development)
SURROUNDING ZONING	
North:	Medium Density Residential District (Planned Residential Development)
South:	Medium Density Residential District (Planned Residential Development)
East:	Medium Density Residential District (Planned Residential Development)
West:	Park Forest District
PUBLIC UTILITIES	City water and sewer
DATE OF APPLICATION	8/26/2010
REVIEWED BY	Patsy Horton / Mary Bosworth

RECOMMENDATION:

Based on the Future Land Use Committee's recommendation on the related Comprehensive Plan Amendment, staff recommends that the Rezoning from General Commercial District to Medium Density District be approved in conjunction with the associated Comprehensive Plan Amendment.

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GENERAL COMMENTS: The applicant has submitted a rezoning application to change the zoning designation from Medium Density Residential District to General Commercial District. In addition, the applicant has submitted an associated Comprehensive Plan Amendment (#10CA021) to the Sheridan Lake Road Future Land Use Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development.

The property contains 4.75 acres and is located at the northeast corner of the intersection at Sheridan Lake Road and Fairway Hills Drive. Land located to the north, south and east is zoned Medium Density Residential District with a Planned Residential Development. Land located to the west is zoned Park Forest District. The rental sales office currently occupies a portion of the property.

The property was annexed on January 15, 1976 and subsequently rezoned to Medium Density Residential with a Planned Residential Development (File #191) on March 15, 1976. The approved Master Plan included the following development data:

Area	Acres	Units	Density
Single family	12.4	24	1.9%
Townhouse and Garden Home	<u>31.9</u>	<u>539</u>	16.9%
Total residential	44.3	563	12.7%
Commercial sales	4.6		
Office park	5.1		
Maintenance	0.4		
Recreation complex – open space	<u>24.0</u>		
Total non-dwelling	34.1		
Total all areas	78.4	563	7.2%

This approved plan identified a commercial sales area with 35,000 square foot of commercial use, 237 visitor parking stalls and 13 staff parking stalls.

The applicant anticipates constructing an 8,000 square foot restaurant, a 12,000 square foot retail structure and a two-story 18,000 square foot structure for office/retail area on the 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.*

The property currently houses a small structure for the rental sales office for the balance

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of the Fairway Hills development. The applicant's proposed development, with uses not identified in the approved plan, requires the revisions to the Planned Development. Based on the existing ordinance requirements, the applicant has submitted this application.

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

The General Commercial Zoning District is established to provide areas for personal and business services and the general retail business of the city. Restaurants, offices and retail structures are permitted uses within this zoning district. The property in question is adjacent to Sheridan Lake Road, a principal arterial on the Major Street Plan. The 1976 approved master plan identified commercial sales for this property. The applicant is now proposing office, restaurant and retail uses, necessitating the rezoning application. The proposed rezoning to General Commercial District appears to be consistent with the intent and purpose of the Zoning Ordinance and in general compliance with the 1976 approved master plan.

- 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 is located adjacent to a developed residential area. However, the 1976 adopted master plan identified the site as appropriate for approximately 35,000 square feet of commercial sales uses. The City Traffic Engineer identified that there have been two crashes at the intersection of Fairway Hills Drive and Sheridan Lake Road between January 1, 2007 and August 31, 2010, both involving vehicles on Sheridan Lake Road losing control and leaving the roadway. He indicated that the proposed site development will generate new trips and increase exposure as well as the associated probability of increased crashes. Additionally, the north side of Fairway Hills Drive is void of sidewalks, however, the site development will require the installation of sidewalk on the north side of Fairway Hills Drive. Based on the proposed increase in site usage, the Traffic Engineer recommended that a traffic impact study be submitted in conjunction with the development proposal to address potential impacts to the existing transportation facilities. The Future Land Use Committee expressed concerns regarding the impact the commercial uses would have on the adjacent residential uses and recommended that the Final Planned Development Plan include buffering the proposed structures to mitigate impacts to the adjacent properties, and address accident and traffic concerns that the proposed development may have on the existing uses. The Planned Commercial Development will insure that any possible adverse effects of future development on the surrounding residential properties will be adequately mitigated.

- 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 considered the associated Comprehensive Plan Amendment to the Sheridan Lake Road Future Land Use Plan to change the land use

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designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development and recommended that the Amendment be approved provided the traffic issues and buffering between the proposed commercial uses and the adjacent residential uses were addressed through the Planned Commercial Development. If the associated Comprehensive Plan Amendment is approved, the rezoning request will be consistent with the adopted Future Land Use Plan. As such, staff recommends that the rezoning request from Medium Density Residential District to General Commercial District be approved in conjunction with the associated Comprehensive Plan Amendment.

As of this writing, the required sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission at the September 23, 2010 Planning Commission meeting if these requirements have not been met. Staff has received two inquiries regarding the proposed request at the time of this writing.