



Rapid City Planning Commission

Rezoning Project Report

January 21, 2021

Item #10
Applicant Request(s)
Case # 20RZ040 – Rezoning request from Office Commercial District to General Commercial District
Companion Case # 20TI005 – Resolution to create TID and approve a Project Plan for the Homestead Street Extension

Development Review Team Recommendation(s)
The Development Review Team recommends that the Planning Commission acknowledge the applicant’s withdrawal of the application.

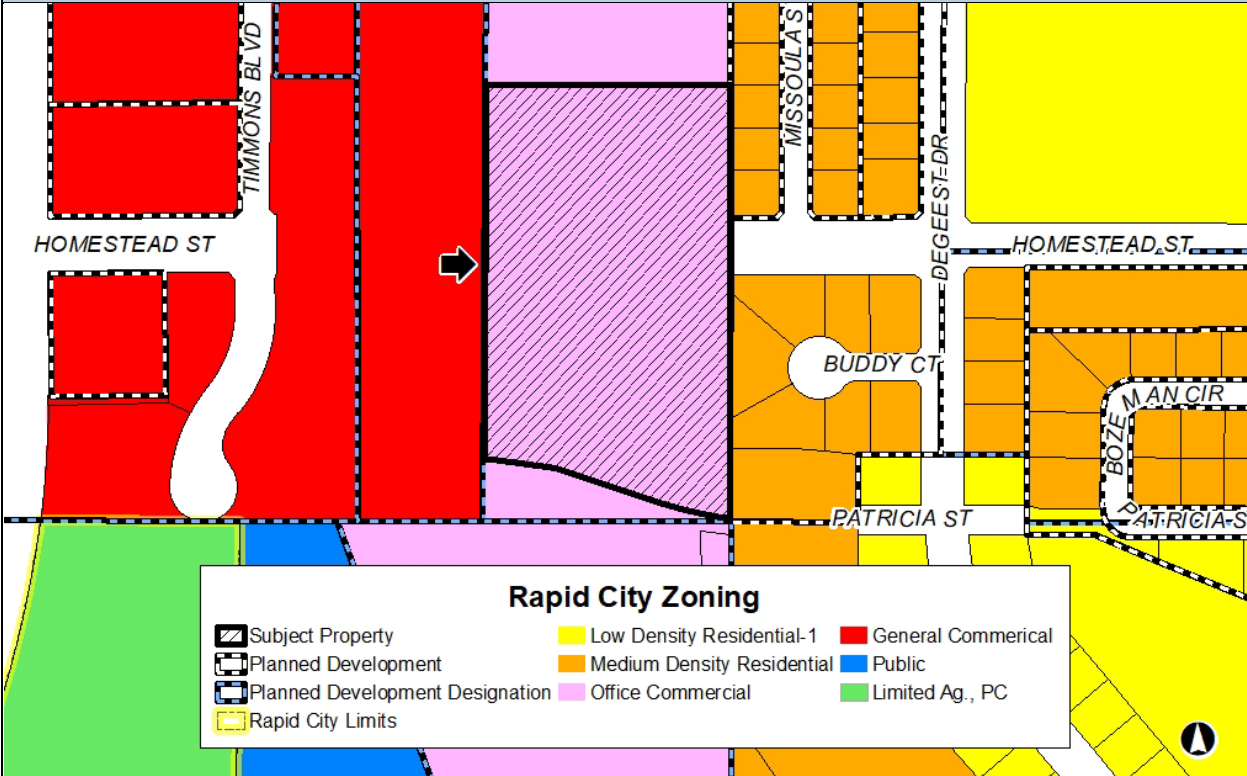
Project Summary Brief
<p>(Update: On January 15, 2021, the applicant withdrew this application. As such, staff recommends that the Planning Commission acknowledge the applicant’s withdrawal).</p> <p>The applicant has submitted a Rezoning request to change the zoning designation from Office Commercial District to General Commercial District for a parcel of land approximately 7.03 acres in size. On October 19, 2020, Council approved a Tax Increment District (TID #83) to construct a portion of Homestead Street that will extend through the subject property as per the City’s Major Street Plan. The project plan includes \$1,444,785 in capital costs associated with the construction of approximately 900 feet of the street to collector street standards. As a part of the request, the applicant submitted a Master Plan showing the subject property zoned as Office Commercial District. There is an existing single family residential development located directly east of the subject property. The types of uses allowed in the Office Commercial District will create a buffer between the existing residential development and future proposed General Commercial uses west of the subject property. This was all considered as a part of the approval of the TID request (see attached TID master plan). Rezoning the property to General Commercial is not in compliance with the Master Plan submitted with the TID request and may create land use conflicts and nuisances such as odor, light, noise and traffic with the existing residential development. As such, staff cannot support the request.</p>

Applicant Information	Development Review Team Contacts
Applicant: Doyle Estes	Planner: Marty Gillies
Property Owner: DTH, LLC	Engineer: Dan Kools
Architect: N/A	Fire District: Tim Behlings
Engineer: KTM Design Solutions, Inc.	School District: N/A
Surveyor: N/A	Water/Sewer: Dan Kools
Other: N/A	DOT: Stacy Bartlett

Subject Property Information	
Address/Location	Adjacent to the current west-bound terminus of Homestead Street
Neighborhood	Elk Vale Neighborhood Area
Subdivision	Big Sky Business Park
Land Area	7.03 acres
Existing Buildings	N/A
Topography	20 foot rise from west to east
Access	Homestead Street, Neel Street (not yet constructed)
Water Provider	Rapid City
Sewer Provider	Rapid City
Electric/Gas Provider	West River Electric Association
Floodplain	N/A

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
Subject Property	OC	MUC	Void of structural development
Adjacent North	OC	MUC	Void of structural development
Adjacent South	OC – PDD	UN	Void of structural development
Adjacent East	MDR – PD	UN	Single-family homes
Adjacent West	GC – PDD	MUC	Void of structural development

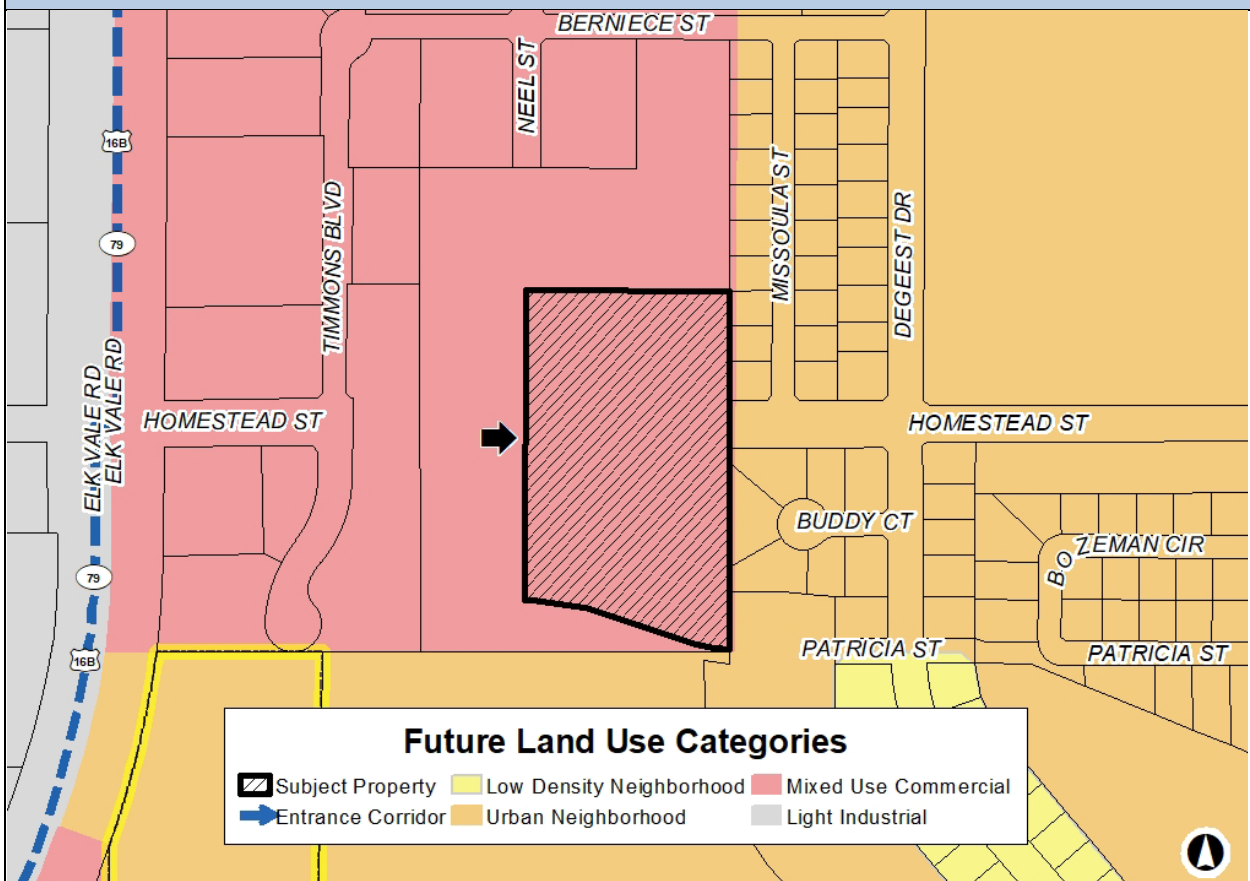
Zoning Map



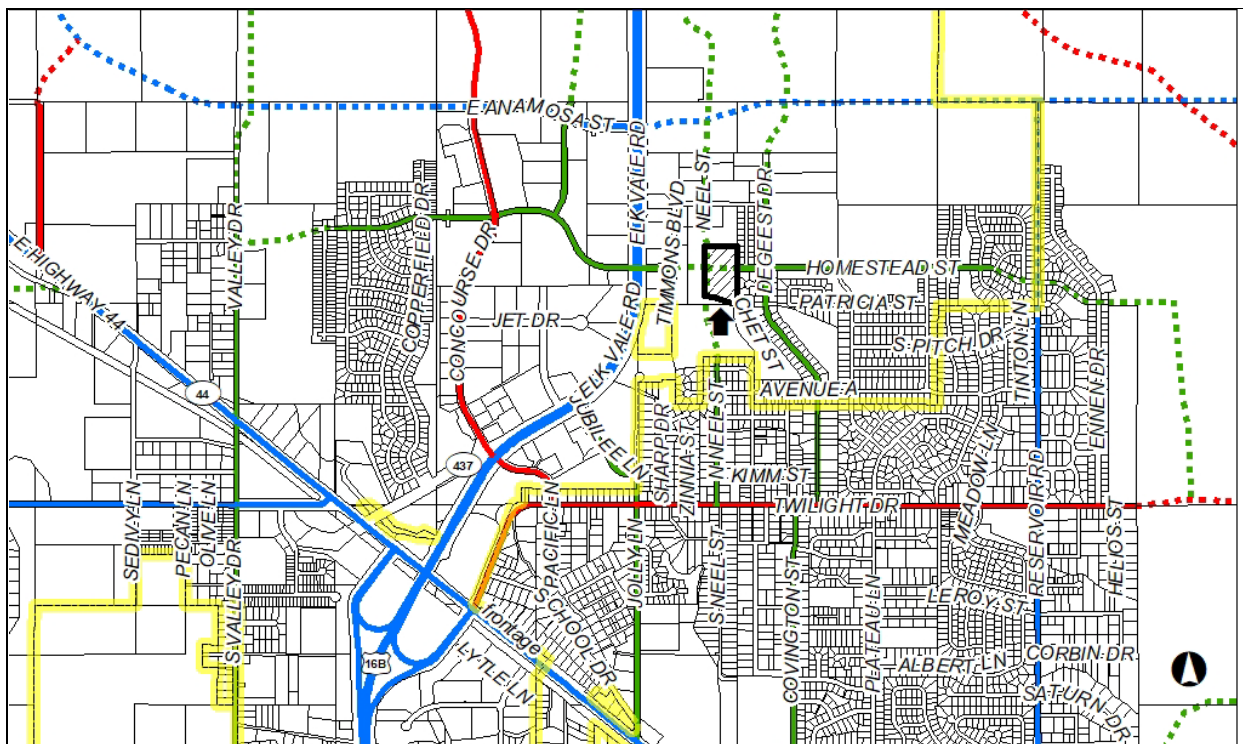
Existing Land Uses



Comprehensive Plan Future Land Use



Parks or Transportation Plan



Major Street Plan

- Subject Property
- Collector
- Principal arterial
- Proposed minor arterial
- Rapid City Limits
- Minor arterial
- Proposed collector
- Proposed principal arterial

Relevant Case History

Case/File#	Date	Request	Action
20TI005	9/24/2020	Resolution to create TID and approve a Project Plan for the Homestead Street Extension	Approved by Planning Commission and Council

Relevant Zoning District Regulations






General Commercial District	Required	Proposed
Lot Area	N/A	Approximately 306,227 square feet
Lot Frontage / Lot Width	N/A	Approximately 766 feet
Maximum Building Heights	4 stories or 45 feet	N/A
Maximum Density	75%	N/A
Minimum Building Setback:		
• Front	25 feet	N/A
• Rear	0 feet	N/A
• Side	0 feet	N/A
• Street Side	25 feet	N/A
Minimum Landscape Requirements:	As per RCMC 17.50.300	
• # of landscape points	N/A	N/A
• # of landscape islands	N/A	N/A
Minimum Parking Requirements:	As per RCMC 17.50.270	
• # of parking spaces	N/A	N/A
• # of ADA spaces	N/A	N/A
Signage	As per RCMC 17.50.080	N/A



Fencing	As per RCMC 17.50.340	N/A
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Planning Commission Criteria and Findings for Approval or Denial	
Pursuant to Section 17.54.040.D of the Rapid City Municipal Code the Planning Commission shall consider the following criteria for a request to Rezone:	
Criteria	Findings
1. The proposed amendments shall be necessary because of substantially changed or changing conditions of the area and districts affected, or in the city generally.	On October 19, 2020, Council approved TID #83. With the approval of the TID, it is anticipated that Homestead Street will be constructed. The Master Plan submitted with that TID application identifies the future development of the subject property as Office Commercial District. No conditions have changed to support rezoning the property to General Commercial District.
2. The proposed amendments shall be consistent with the intent and purposes of this title.	The future land use designation of the property is Mixed Use Commercial. The Mixed Use Commercial designation may support General Commercial District zoning, provided that it does not create land use conflict with adjacent properties. The adjacent property to the east is identified as Urban Neighborhood and has been developed with single-family homes. The existing zoning of the subject property is Office Commercial District and serves as a buffer between the existing single-family development to the east and the proposed General Commercial development to the west. This buffer area is intended to decrease the intensity of use between the emergent commercial corridor to the west and the established single-family residential district to the east. To ensure that the development of the parcel is in keeping with the character of the area and to ensure that any use will provide a sufficient buffer to adjacent development in the area, staff recommends that the Rezoning request be denied.
3. The proposed amendment shall not adversely affect any other part of the city, nor shall any direct or indirect adverse effects result from the amendment.	The applicant must coordinate with the Rapid City Fire Department and Public Works Department to confirm that public infrastructure such as fire flow requirements and available sewer capacity are available to support any proposed commercial use. In addition, the applicant should be aware that staff has received complaints regarding traffic volumes and traffic violations on Berniece Street and surrounding streets. Until the street network in the area is extended, in particular Homestead Street, traffic volumes will continue to be an issue on the surrounding streets.
4. The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community facilities plan and others.	The Future Land Use Designation of the property is Mixed Use Commercial. The parcel will be accessed by Neel Street, to be constructed to the west of the parcel, and Homestead Street, to be constructed with TIF dollars through the middle of the parcel, running east to west. Neel Street and Homestead Street are identified as Collector Streets on the City's Major Street Plan. Neel Street will serve to separate the higher-intensity commercial uses to the west and the office commercial and residential uses to the east. To ensure that future development of the property is in keeping with the character of the neighborhood and the Master Plan approved as part of the creation of TID #83, staff recommends that the Rezoning request be denied.

Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial
In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following values, principles, goals, and policies within the Rapid City Comprehensive Plan:

Comprehensive Plan Conformance – Core Values Chapters

 A Balanced Pattern of Growth	
BPG-3.1B	<p>Future Land Use Flexibility: The future land use designation of the subject property is Mixed Use Commercial, which supports both General Commercial and Office Commercial uses depending upon the surrounding land use(s). The property to the east is zoned Medium Density Residential District and is identified as Urban Neighborhood, which supports medium to high density housing development on the City’s Future Land Use Plan. The applicant platted the adjacent property into single family residential lots and the lots have been developed with single family residences. If the adjacent property had been developed with multi-family units, rezoning the subject property would be more in compliance with the City’s Future Land Use Plan. However, because the adjacent property is developed with single family homes and because the Master Plan submitted with the TID request identified the future use of the subject property as Office Commercial District, staff cannot support this Rezoning request to change the designation of the subject parcel to General Commercial District.</p>
 A Vibrant, Livable Community	
LC-2.1E	<p>Neighborhood-Serving Uses: The proposed Rezoning request to General Commercial District would enable the proliferation of more intense commercial uses in immediate proximity to the residential neighborhood located to the east. Several uses allowed in the General Commercial District, such as lumber yards, RV parks, car washes, and gas stations, may cause land use conflicts with the existing residential development and create nuisances such as odor, light, noise and traffic. As such, staff cannot support the request.</p>
 A Safe, Healthy, Inclusive, and Skilled Community	
	N/A
 Efficient Transportation and Infrastructure Systems	
T1-2.1A	<p>Major Street Plan Integration: The subject property is located northeast and southeast of the proposed intersection between Neel Street and Homestead Street, both identified as Collector Streets on the City’s Major Street Plan. Neel Street will serve as a delineation between the emerging higher-intensity commercial uses to the west and the Office Commercial and single-family developments to the east. Retaining the current zoning designation of the subject property as Office Commercial District will serve to further buffer the existing residential development from the emerging higher-intensity commercial uses to the west.</p>
 Economic Stability and Growth	
EC-1.1B	<p>Public Improvements: As previously noted, the applicant must coordinate with the Rapid City Fire Department and Public Works Department to confirm that public infrastructure such as fire flow requirements and available sewer capacity are available to support any proposed commercial use. In addition, the applicant should be aware that staff has received complaints regarding traffic volumes and traffic violations on Berniece Street and surrounding streets. Until the street</p>

	network in the area is extended, in particular Homestead Street, traffic volumes will continue to be an issue on the surrounding streets.
	Outstanding Recreational and Cultural Opportunities
	N/A
	Responsive, Accessible, and Effective Governance
GOV-2.1A	The proposed Rezoning request requires that public notice be advertised in the newspaper and that mailings are sent to property owners within 250 feet of the proposed development. The requested Rezoning is before the Planning Commission and will go before the City Council for review and approval. The public has an opportunity to provide input at these meetings.

Comprehensive Plan Conformance – Growth and Reinvestment Chapter

Future Land Use Plan Designation(s):	Mixed Use Commercial
Design Standards:	
GDP-MU8	Relationship to Surrounding Neighborhoods: Mixed Use Commercial development is intended to promote compatibility between the higher-density and higher-intensity uses desired in Mixed Use Opportunity Areas and adjacent neighborhoods. The Comprehensive Plan identifies incorporating gradual decreases in building intensity along shared street frontages and other residential contact points as a technique for fostering cohesive relationships between commercial areas and residential areas. One example of this gradual decrease in building intensity would include the use of the Office Commercial District as a buffer between higher-intensity commercial areas and lower-density residential areas. The proposed rezone would deviate from the goals of the Comprehensive Plan and the existing zoning step-down in intensity from the Elk Vale/Timmons commercial corridor to the single family homes adjacent to the subject property. As such, staff cannot support this Rezoning request.

Comprehensive Plan Conformance – Neighborhood Area Policies Chapter

Neighborhood :	Elk Vale Neighborhood Area
Neighborhood Goal/Policy:	
EV-NA1.1	The Comprehensive Plan identifies the Elk Vale Neighborhood Area as one of the City’s high priority urban growth and reinvestment areas. The Future Land Use Plan supports this vision, identifying the area to the west of the subject parcel as Mixed Use Commercial and the area to the east of the subject parcel as Urban Neighborhood. The Comprehensive Plan identifies these two designations as compatible and cohesive. However, the area identified as Urban Neighborhood to the east of the subject parcel was instead developed as Low Density Neighborhood. In order to re-establish a cohesive transition from commercial use to residential use along Homestead Street, the subject property must remain as zoned: Office Commercial District. The Rezoning request to change the zoning of the subject parcel from Office Commercial District to General Commercial District compromises the integrity of the buffer between higher-intensity commercial uses to the west and the low-density residential development to the east and belies the shared vision for the area as outlined in the Master Plan submitted as part of the TID request (File #20TI005). As such, staff cannot support this Rezoning request.

Findings

Staff has reviewed the Rezoning request criteria pursuant to Chapter 17.50.040(D) of the Rapid City Municipal Code and the goals, policies, and objectives of the adopted Comprehensive Plan. As previously noted, on October 19, 2020, Council approved Tax Increment District (TID #83) to construct a portion of Homestead Street that will extend through the subject property as per the City's Major Street Plan. The project plan includes \$1,444,785 in capital costs associated with the construction of approximately 900 feet of the street to collector street standards. As a part of the request, the applicant submitted a Master Plan showing the subject property zoned Office Commercial District. There is existing single family residential development located directly east of the subject property. The types of uses allowed in the Office Commercial District will create a buffer between the existing residential development and future proposed General Commercial uses west of the subject property. This was all considered as a part of the approval of the TID request. Rezoning the property to General Commercial is not in compliance with the Master Plan submitted with the TID request and may create land use conflicts and nuisances such as odor, light, noise and traffic with the existing residential development. In addition, the Comprehensive Plan identifies incorporating gradual decreases in building intensity along shared street frontages and other residential contact points as a technique for fostering cohesive relationships between commercial areas and residential areas. Allowing General Commercial uses directly adjacent to an existing single-family development is not in conformance with this goal of the City's Comprehensive Plan. As such, staff cannot support the request.

Planning Commission Recommendation and Stipulations of Approval

Staff recommends that the **Planning Commission acknowledge the applicant's withdrawal of the application.**