

STAFF REPORT

May 24, 2001

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**No. 01RZ008 - Rezoning from No Use District to General Commercial District**      **ITEM 5**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 01RZ008 - Rezoning from No Use District to General Commercial District</b>
LEGAL DESCRIPTION	Lot C of NW1/4 SW1/4 less right-of-way, Section 17, T1N, R8E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately .60 Acres
LOCATION	4302 S. Highway 79
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Heavy Industrial District (City)
South:	Heavy Industrial District (County)
East:	Heavy Industrial District (County)
West:	General Commercial District (City)
PUBLIC UTILITIES	City Water and On-site Wastewater Disposal System
REPORT BY	Karen Bulman

RECOMMENDATION:    **Staff recommends that the Rezoning from No Use District to General Commercial District in conjunction with a Planned Development Designation be continued to June 7, 2001 to allow the related Comprehensive Plan Amendment to be properly advertised.**

GENERAL COMMENTS:    **This Staff Report has been revised as of May 10, 2001. New or revised text is shown in bold print.** This property is located on the east side of South Dakota Highway 79 and is currently the location of Smokin Joe's No. 12 Bar and Grill. This property can be accessed from Merrilat Road on the north or the Highway 79 Service Road on the east. At the request of the property owner, the City Council annexed this property into the City in 1998 and it is currently in a No Use Zoning District. At the November 22, 2000 Planning Commission meeting, a proposal to rezone this property to a Light Industrial District was considered. The Planning Commission recommended denial of the Light Industrial Zoning and requested that Staff advertise to rezone the property to a General Commercial District with a Planned Development Designation. The City Council concurred with that recommendation. Subsequently this application to rezone the property from the No Use Zoning District to a General Commercial Zoning District with a Planned Development Designation is being processed. **At the April 26, 2001 Planning Commission, this item was continued in order to submit an application for an amendment to the**

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**Comprehensive Plan.** This application is being processed as a companion item to this rezoning.

STAFF REVIEW: Staff has reviewed this request 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.***

Lot C of the NW ¼ of the NW ¼ of the SW ¼ less public right-of-way, Section 17, T1N, R8E, BHM, Rapid City, SD was annexed in 1998. All lands annexed by the City shall, upon annexation, be placed in the No Use Zoning District. The No Use Zoning District is a temporary designation for the purpose of permitting investigation and study of the land uses in the area.

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

The primary land uses on the east side of Cambell Street/South Dakota Highway 79 are industrial. The Pacific Steel and Recycling operation is north of the subject property, South Dakota Concrete Products is located to the east, and a utility substation for Black Hills Power is located south of the property. The property is currently the location of Smokin Joe's No. 12 Bar and Grill. On-sale liquor establishments as a use on review and restaurants are permitted in the General Commercial 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 property is currently served by City water. City sanitary sewer is located just to the south of the property, and could be extended to serve the subject property. **Any improvements will require extension of sewer to the property.** The amendment should not negatively affect any of the surrounding land uses or public infrastructures.

- 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 1974 5<sup>th</sup> Year Update to the Comprehensive Plan identifies this area for industrial land uses. **An amendment to the Comprehensive Plan to change the plan from industrial land use to general commercial land use is a companion item to this rezoning.** The Major Street Plan identifies Cambell Street/South Dakota Highway 79 as a principal arterial. This area has not yet been addressed as part of the Future Land Use Plan currently being developed.

Staff has mailed certified letters to notify property owners within 150 feet of the proposed rezoning and the required sign has been posted on the property. **Staff has received one call requesting information on this request.**

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