

STAFF REPORT

April 10, 2003

No. 03RZ007 - Rezoning from No Use District to General Commercial District **ITEM 13**

GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	No. 03RZ007 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	The south 33 foot of the E. St. Andrew Street right-of-way lying north of Lot O Revised and Lots P, Q, R and T and Lots 1 and 2 of Lot S, all of Tract A of Schlottman Addition, all located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 11.9873 acres
LOCATION	North of E. St. Patrick Street and south of SD Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	Light Industrial District/General Commercial District
East:	Light Industrial District (County)
West:	Light Industrial District
PUBLIC UTILITIES	N/A
DATE OF APPLICATION	2/28/2003
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the rezoning from No Use Zoning District to General Commercial Zoning District be **approved in conjunction with the related Amendment to the Comprehensive Plan.**

GENERAL COMMENTS: **This item was continued at the February 27, 2003 Planning Commission meeting to ensure adequate notification of the related amendment to the affected landowners. New or revised text is shown in bold print.** This property is located north of E. St. Patrick Street and south of SD Highway 44. **The property is the south 33 feet of the E. St. Andrew Street right-of-way** and was annexed into the City of Rapid City effective October 20, 2002. It is currently in a No Use Zoning District. The No Use Zoning District is a temporary zoning designation utilized when property is annexed into

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the City of Rapid City, pursuant to the provisions of Section 17.26.020 of the Rapid City Municipal Code. The purpose of this application is to complete that process.

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 subject property was annexed into the City on October 20, 2002. All annexed lands are temporarily placed in the No Use Zoning District. The recent annexation of the property constitutes the changing condition requiring rezoning of the property.

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

The property located to the north of the subject property is zoned No Use District. The property located to the west of the subject property is zoned Light Industrial District. The property located to the east of the subject property is zoned Light Industrial District by Pennington County. East St. Andrew Street is adjacent to property to the south that is zoned General Commercial District and Light Industrial District. Staff feels that the long range plan for this area would support the General Commercial land use. The related Amendment to the Comprehensive Plan proposes to change the land use from Residential to General Commercial. Rezoning this property as General Commercial District would appear to be consistent with the intent and purpose of this 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 amendment should not have a significant affect on any of the surrounding land uses or on public infrastructure.

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 Rapid City Comprehensive Plan for this area identifies the subject property and adjacent properties as appropriate for residential land use(s). An Amendment to the Comprehensive Plan (03CA004) to change the land use for the subject property from Residential to General Commercial has been submitted in conjunction with this rezoning application. East St. Andrew Street is located adjacent to General Commercial and Light Industrial Zoning Districts. Therefore, rezoning the subject property from No Use District to General Commercial District appears to be appropriate.

Staff has mailed certified letters to notify surrounding property owners of the proposed

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rezoning and has posted the required sign on this property. **As of this date, staff has received two inquiries regarding this request, but no objections.**