

STAFF REPORT  
October 26, 2006

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**No. 06RZ042 - Rezoning from No Use District to General Commercial District** **ITEM 36**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 06RZ042 - Rezoning from No Use District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	A parcel of land located in the E1/2 SE1/4 SE1/4 SW1/4 SW1/4; SW1/4 SW1/4 SE1/4 SW1/4; W1/2 SE1/4 SW1/4 SE1/4 SW1/4; S1/2 NW1/4, SW1/4 SE1/4 SW1/4; SW1/4 NE1/4, SW1/4 SE1/4 SW1/4; all less R & L Subdivision, less a strip of land 80 foot wide adjacent and parallel to the southeast line of Lot 3, R & L Subdivision, less a strip of land 100 feet wide adjacent and parallel to north boundary of I90 and less right-of-way, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 5.28 acres
LOCATION	North of Interstate 90 and east of Harley Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	General Commercial District (Planned Commercial Development)
South:	No Use District
East:	No Use District
West:	General Agriculture District (Right-of-way)
PUBLIC UTILITIES	City water and on-site septic
DATE OF APPLICATION	8/3/2006
REVIEWED BY	Karen Bulman / Mary Bosworth

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Commercial District be continued to the November 9, 2006 Planning Commission meeting.

GENERAL COMMENTS: This property contains approximately 5.28 acres and is located north of Interstate 90 and east of Harley Drive. The property has been annexed and is currently zoned No Use District. Land located north of the subject property is zoned General Commercial District with a Planned Commercial Development. Land located west of the subject property is zoned General Agriculture District. Land located east and south of the

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subject property is zoned No Use District. In addition to this application for Rezoning from No Use District to General Commercial District, the applicant has submitted a Comprehensive Plan Amendment to change the land use from General Agriculture to General Commercial with a Planned Commercial Development (06CA035).

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 has been annexed into the City limits and temporarily placed in a No Use Zoning District. The annexation of the property constitutes the changing condition requiring rezoning of the property. This unoccupied property is located north of U.S. Interstate 90 and east of Harley Drive and in an area that will be developed in the future.

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

The General Commercial Zoning District is for personal and business services and the general retail business of the city. The subject property is located in an area appropriate for commercial development. The subject property is located adjacent to General Commercial Zoning District and General Agriculture Zoning District as a holding zone. A Comprehensive Plan Amendment has been submitted with this rezoning application to change the land use from General Agriculture to General Commercial with a Planned Commercial Development. With the approval of the Comprehensive Plan, the proposed zoning will be consistent with the adjacent zoning designation and the intent 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 subject property is located adjacent to General Commercial Zoning District. With the development of the adjacent property, City water has been brought into the area. The Public Works Department has indicated that adequate water flows and supply are available to the subject property. Plans to extend City sewer east of the subject property are being developed with a possible construction time frame for summer 2007. U.S. Interstate 90 is located south of the subject property and Harley Drive is located west of the subject property. There is limited direct access to the property at this time. Prior to development of the property, street connections will need to be reviewed and approved. Staff is not aware of any significant adverse effects that would result from rezoning the subject property from No Use District to General Commercial District when adequate infrastructure is extended as part of the development of this area.

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.*

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The Comprehensive Land Use Plan identifies this area as appropriate for General Agriculture land uses. A Comprehensive Plan Amendment application has been submitted with this rezoning request to change the land use from General Agriculture to General Commercial with a Planned Commercial Development. With approval of the Comprehensive Plan Amendment, rezoning the subject property from No Use District to General Commercial District with a Planned Commercial Development will be consistent with the Comprehensive Plan. The Initial and Final Planned Commercial Development will help to mitigate any negative effects the development may have on existing or future land uses in the area.

As of this writing, the required rezoning sign has been posted on the property but the receipts from the certified mailing have not been returned. Staff will notify the Planning Commission if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed rezoning at the time of this writing.

Due to an error by the Rapid City Journal, the Comprehensive Plan Amendment has not been legally advertised. As such, the Comprehensive Plan Amendment must be continued to the November 9, 2006 Planning Commission to allow the application to be legally advertised. Staff recommends that the Rezoning from No Use District to General Commercial District be continued to the November 9, 2006 Planning Commission meeting to be heard in conjunction with the associated Comprehensive Plan Amendment.