

STAFF REPORT  
June 7, 2007

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**No. 07RZ041 - Rezoning from No Use District to General Commercial District**      **ITEM 24**

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GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 07RZ041 - Rezoning from No Use District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	The eastern 33 feet of Section 5 beginning at the SE corner of Section 5 extending 450 feet north located in T1N, R8E, BHM, Rapid City, Pennington County, more generally described as a portion of South Valley Drive south of South Dakota Highway 44.
PARCEL ACREAGE	Approximately 0.34 acres
LOCATION	Valley Drive south of E St. Andrew Street
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	Suburban Residential District (Pennington County)
East:	General Commercial District (Pennington County)
West:	General Commercial District
PUBLIC UTILITIES	NA
DATE OF APPLICATION	5/11/2007
REVIEWED BY	Monica Heller / Emily Fisher

RECOMMENDATION: Staff recommends that the Rezoning from No Use District to General Commercial District be approved.

GENERAL COMMENTS: This street right-of-way known as South Valley Drive contains approximately 0.34 acres and is located south of E St. Andrew Street and north of E. St. Patrick Street. The right-of-way was annexed into the City limits effective December 3, 2004 (#04AN011). Upon annexation into the City limits, the property was zoned No Use District. The property located north of the subject property is zoned No Use District. The property located south of the subject property is zoned Suburban Residential District by Pennington County. The property to the west is General Commercial District. The property located east of the subject property is zoned General Commercial District by Pennington County.

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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 (#04AN011). The annexation of the property constitutes the changing condition requiring rezoning of the property. This street right-of-way known as South Valley Drive contains approximately 0.34 acres and is located south of E St. Andrew Street and north of E. St. Patrick Street.

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. General Commercial Zoning Districts are located to the east and west of the subject property. The extension of the General Commercial District appears to be appropriate and consistent with the intent and purpose of the Zoning 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 in an area that is developing as a General Commercial area. Sewer and water services are located on and adjacent to the subject property. 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.

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 subject property is identified on the Adopted Comprehensive Plan as appropriate for Light Industrial. However, the properties to the east and west are currently zoned General Commercial District. While the rezoning is not consistent with the Adopted Comprehensive Plan, staff noted that the area of the proposed rezoning encompasses only the street right-of-way and the proposed rezoning is consistent with the existing zoning of the adjacent property. For these reasons staff finds the proposed rezoning of the street right-of-way from No Use District to General Commercial District to be appropriate.

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 June 7, 2007 Planning Commission meeting if this requirement has not been met. Staff has

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received no inquiries or objections regarding the proposed request at the time of this writing. Staff recommends that the Rezoning from No Use District to General Commercial District be approved.