

STAFF REPORT  
April 23, 2009

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**No. 09RZ020 - Rezoning from No Use District to General Commercial District**      **ITEM 14**

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GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Jerry and Donna Olson
REQUEST	<b>No. 09RZ020 - Rezoning from No Use District to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	Lots 4 and 5 of Hillsvieview Subdivision and the 75 foot wide S.D. Highway 44 right-of-way lying adjacent to and south of Lot 5 of the Hillsvieview Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 4.16 acres
LOCATION	West of Valley Drive and north of S.D. Highway 44
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	No Use District
South:	Light Industrial District
East:	No Use District/General Commercial District
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	3/27/2009
REVIEWED BY	Karen Bulman / Ted Johnson

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

GENERAL COMMENTS: This developed property contains approximately 4.16 acres and is located west of Valley Drive and north of S.D. Highway 44. The property was annexed into the City limits (#08AN007) effective July 29, 2008 and subsequently zoned No Use District. Land located north and west of the property is zoned No Use District. Land located east of the property is zoned No Use District and General Commercial District. Land located south of the property is zoned Light Industrial District.

The Elk Vale Neighborhood Future Land Use Plan identifies the future use of the property as appropriate for General Commercial land uses. Currently, a concrete manufacturing

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business is located on the property.

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 property has been annexed into the City limits (#08AN007) and temporarily placed in a No Use Zoning District. All annexed lands are temporarily designated as a No Use Zoning District. The 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 General Commercial Zoning District is intended to provide areas for personal and business services and the general retail business of the city. Prior to annexation, the property was zoned General Commercial District by Pennington County. An industrial concrete manufacturing business with outdoor storage is located on the property. As all the requirements of the General Commercial Zoning District are not met on this property, the existing industrial use of this property will be considered a legal non-conforming use. Any future development of the property will require that it conform to the requirements of the General Commercial Zoning District. Access to the property is from S.D. Highway 44. Properties used for General Commercial purposes are located east of the property. Industrial land uses are located south of the property. Due to the land uses and zoning of the adjacent properties, the rezoning would appear to be consistent with the intent and purposes 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.*

Access to the property will be from S.D. Highway 44, a principal arterial street on the City's Major Street Plan. The property is located adjacent to general commercial land uses. The property is located within the Rapid Valley Sanitary District. No significant adverse impacts that will result from the requested rezoning have been identified.

*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 property is located adjacent to S.D. Highway 44, a principal arterial street on the City's Major Street Plan. The adopted Elk Vale Neighborhood Future Land Use Plan indicates that this area is appropriate for General Commercial land uses. Rezoning the property from No Use District to General Commercial District is consistent with the adopted Comprehensive Plan.

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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 April 23, 2009 Planning Commission meeting if this requirement has not been met. Staff has received no inquiries or objections regarding the proposed request at the time of this writing.

The property owner has been contacted and has not objected to the General Commercial Zoning District designation of their property. Staff recommends that the rezoning from No Use District to General Commercial District be approved.