

STAFF REPORT
February 18, 2010

No. 10RZ006 - Rezoning from No Use District to General Commercial District **ITEM 13**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	Daryl L. and Bobi Deneke
REQUEST	No. 10RZ006 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	Lots 7-12 of Block 3 and Lots 7-12 of Block 4, and the 20 foot wide E. St. Francis Street right-of-way located adjacent and south of Block 3 and Block 4, and Sedivy Lane located west and adjacent to Block 4 and the 20 foot wide E. St. Francis Street, and the 20 foot wide Pecan Lane located adjacent to Lots 7-9 of Block 3 and the 20 foot wide E. St. Francis Street, and the 40 foot wide Beechwood Lane, all located in Rapid Valley Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.324 acres
LOCATION	East of Sedivy Lane and north of E. St. Francis Street
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Light Industrial District
South:	No Use District
East:	No Use District
West:	General Commercial District (Planned Commercial Development)
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	1/29/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Rezoning request from No Use District to General Commercial District be approved in conjunction with associated Amendment to the Comprehensive Plan.

GENERAL COMMENTS: The property occupies 2.324 acres and is located east of Sedivy Lane and north of East Saint Francis Street. The property was annexed into the City limits

STAFF REPORT
February 18, 2010

No. 10RZ006 - Rezoning from No Use District to General Commercial District **ITEM 13**

(#08AN011) effective June 4, 2009 and subsequently zoned No Use District. Land located to the north is zoned Light Industrial District. Land located to the south and east is zoned No Use District. Land located to the west is zoned General Commercial District with a Planned Commercial Development. A retail business is currently located on the property.

The Southeast Connector Neighborhood Future Land Use Plan identifies the future land use of the property as appropriate for Low Density Residential land uses. A Comprehensive Plan Amendment (#10CA001) has been submitted to change the land use from Low Density Residential land uses to General Commercial in conjunction with this rezoning application. A Planned Development Designation (#10PD007) has been submitted in conjunction with this Rezoning application.

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 district affected, or the City in general.*

A City initiated annexation of the property (#08AN011) was effective June 4, 2009. Per Section 17.26.020, all annexed lands are temporarily designated as a No Use District. The annexation of the property represents a changing condition that requires the rezoning of the property.

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. A commercial structure currently is located on the property. The property was zoned General Commercial District by Pennington County prior to annexation. Commercial land use is located on the adjacent property to the west. Due to the land uses on adjacent properties, the rezoning of this property appears 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 amendment.*

The commercial property is accessed from East Saint Patrick Street, a principal arterial on the Major Street Plan, and by Sedivy Lane, a local street. Water and sewer services are provided by Rapid Valley Sanitary District. The property is currently being used for commercial purposes. The property is located adjacent to existing commercial land uses, light industrial land uses and residential land uses. A Planned Development Designation has been submitted with this application and the additional review required as such will insure that any possible adverse impacts from future development are adequately mitigated. Based on the provisions of the Planned Development overlay, no significant adverse impacts resulting from the requested rezoning have been identified.

STAFF REPORT
February 18, 2010

No. 10RZ006 - Rezoning from No Use District to General Commercial District **ITEM 13**

4. *The proposed amendments shall be consistent with and not in conflict with the development plan of Rapid City including any of its elements, major road plan, land use plan, community development plan, community facilities plan, and others.*

The Southeast Connector Neighborhood Area Future Land Use Plan identifies the future use of the property as appropriate for Low Density Residential land use. If the associated Comprehensive Plan Amendment is approved, rezoning the property from No Use District to General Commercial District will be consistent with the adopted Comprehensive Plan.

Notification Requirement: The required sign has been posted on the property. The white receipts from the certified mailing have been submitted to the Growth Management staff but, as of this writing, the green card receipts have not been returned. Staff will notify the Planning Commission at the February 18, 2004 Planning Commission meeting if this requirement has not been met. At this time, staff has received one inquiry regarding the proposed request.

Staff recommends that the rezoning from No Use District be approved in conjunction with the associated Amendment to the Comprehensive Plan.