

STAFF REPORT
March 25, 2010

No. 10RZ008 - Rezoning from No Use District to General Commercial District **ITEM 36**

GENERAL INFORMATION:

APPLICANT/AGENT	City of Rapid City
PROPERTY OWNER	S. D. Department of Transportation
REQUEST	No. 10RZ008 - Rezoning from No Use District to General Commercial District
EXISTING LEGAL DESCRIPTION	The east 88 feet of Lot D of the NE1/4 NW1/4 less Lot H1 and Lot 6 of Wood Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 0.27 acres
LOCATION	Adjacent to the west side of Elk Vale Road and north of School Drive
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Pennington County Drainage
South:	General Commercial District
East:	Light Industrial District (Planned Industrial Development)
West:	No Use District
PUBLIC UTILITIES	Rapid Valley Sanitary District
DATE OF APPLICATION	2/5/2010
REVIEWED BY	Jim Flaaen / Mary Bosworth

RECOMMENDATION:

Staff recommends that the Rezoning from No Use District to General Commercial District be **denied without prejudice.**

GENERAL COMMENTS: **(Updated March 19, 2010. All revised and/or added text is shown in bold print.) This item was continued to the March 25, 2010 Planning Commission meeting to allow the Future Land Use Committee to make a determination about the appropriate future use of the property. The Future Land Use Committee has determined that this property would be appropriate for Low Density Residential land use. As such, staff contacted the S.D. Department of Transportation about amending the rezoning request to rezone the subject property from No Use District to Low Density Residential District. On March 19, 2010, staff received**

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confirmation from the S.D. Department of Transportation that they approve of the proposed zoning change. As such, staff recommends that the rezoning from No Use District to General Commercial District be denied without prejudice to allow the applicant to submit a new applicant to rezone the property from No Use District to Low Density Residential District and satisfy the notification requirements.

Staff recommends that the rezoning from No Use District to General Commercial District be denied without prejudice.

The property occupies 0.27 acres and is located north of S.D. Highway 44 and east of Elk Vale Road at the eastern terminus of School Drive. The property was annexed into the City limits (#08AN011) effective June 4, 2009 and subsequently zoned No Use District. Land located to the north is owned by Pennington County for drainage purposes. Land located to the south is zoned General Commercial District. Land to the east is zoned Light Industrial District with a Planned Industrial Development. Land located to the west is zoned No Use District. The property is void of any structural development.

The Elk Vale Neighborhood Future Land Use Plan identifies this property as appropriate for General Commercial land use. On February 25, 2010, the Future Land Use Committee met and reviewed the Future Land Use designations in this area. Based on those discussions, staff is recommending that the rezoning request be continued to the March 25, 2010 Planning Commission meeting.

Notification Requirement: The required sign has been posted on the property. The white receipts from the certified mailings 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 March 4, 2010 Planning Commission meeting if this requirement has not been met. Staff has received one inquiry but no objections regarding the proposed request at the time of this writing.