

STAFF REPORT

June 6, 2013

---

**No. 13RZ010 - Rezoning from No Use to General Commercial District**      **ITEM 4**

---

GENERAL INFORMATION:

AGENT	Renee Catron - Renner & Associates, LLC
PROPERTY OWNER	Hog Wild LLC
REQUEST	<b>No. 13RZ010 - Rezoning from No Use to General Commercial District</b>
EXISTING LEGAL DESCRIPTION	A portion of the Tract 1 of Harley-Davidson Subdivision, Sections 22 and 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the most westerly corner of Tract 1 of Harley-Davidson Subdivision, and the point of beginning; Thence, first course: N 56°55'52" E a distance of 1.93'; Thence, second course: S 29°32'11" E a distance of 309.92'; Thence, third course: S 29°33'40" E a distance of 309.75'; Thence, fourth course: S 39°35'33" E a distance of 279.51'; Thence, fifth course: S 50°24'27" W a distance of 73.05'; Thence, sixth course: N 39°26'35" W a distance of 30.51'; Thence, seventh course: with a curve turning to the right with an arc length of 623.51', with a radius of 1988.00', with a chord bearing of N 30°27'35" W, with a chord length of 620.96'; Thence, eighth course: N 21°28'51" W a distance of 259.15', to the said point of beginning
PARCEL ACREAGE	Approximately 1.001 acres
LOCATION	North of I-90 east of Exit 55
EXISTING ZONING	General Agricultural District
FUTURE LAND USE DESIGNATION	Commercial
SURROUNDING ZONING	
North:	General Commercial District (Planned Development)
South:	General Agricultural District
East:	General Agricultural District
West:	General Agricultural District
PUBLIC UTILITIES	Rapid City water and sewer
DATE OF APPLICATION	April 24, 2013

STAFF REPORT  
June 6, 2013

---

**No. 13RZ010 - Rezoning from No Use to General Commercial District**      **ITEM 4**

---

REVIEWED BY

Robert Laroco / Nicole Lecy

RECOMMENDATION:

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

GENERAL COMMENTS:

The applicant has submitted a request to rezone approximately 1.001 acres of property from No Use District to General Commercial District. The property is a portion of Tract 1 of the Harley-Davidson Subdivision, which is currently comprised of multiple zoning districts. Portions are zoned No Use District, General Agriculture District, and General Commercial District. In addition, portions of the property have been placed in a Planned Development and a Planned Development Designation. The applicant has submitted this request in conjunction with two associated Rezoning requests to change the zoning from General Agriculture District to General Commercial District (File #13RZ008, File #13RZ009) in order to zone the entire property General Commercial District.

The property is located east of the interchange at Interstate 90 and Deadwood Avenue. Currently, the property is developed as a Harley Davidson retail store.

STAFF REVIEW: Staff has reviewed the proposed rezoning for conformance with the four criteria for review of zoning map amendments established in Section 17.54.040.D(1) and has noted the following considerations:

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.*

The existing property also includes a mix of General Commercial District and General Agriculture District. The portion of land zoned No Use District is a sliver of land running adjacent to the Interstate 90 right-of-way. It appears the property was originally a part of plans for the Interstate right-of-way but later included as a part of Tract A. The original No Use District designation remained on the property until such time that development of the property was brought forward. Since no portion of this land has been proposed for development, a Rezoning request has never been submitted. The applicant has now submitted this application in conjunction with two other Rezoning requests to change all the zoning on Tract A to General Commercial District. The future land use designation for the property is commercial and, as such, the Rezoning request to General Commercial District is appropriate for the area. The area is developed with a mix of industrial and commercial uses, while portions of the property itself are developed with retail. There are no substantially changed or changing conditions in the area.

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

The No Use is a temporary designation for the purpose of permitting investigation and study of land uses in land composing this status. The General Commercial District is intended for personal and business services and the general retail business of the city. The Future Land Use Plan designation for the property is commercial, meaning that the proposed General Commercial Zoning District is appropriate for the area. The Rezoning

## STAFF REPORT

June 6, 2013

---

### No. 13RZ010 - Rezoning from No Use to General Commercial District      ITEM 4

---

request will allow property adjacent to land already zoned for commercial use to also be zoned for commercial uses. In addition, if approved in conjunction with the associated Rezone requests, this request will result in the entire tract being zoned General Commercial District. The proposed zoning is 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 Rezoning request will change the zoning from No Use District to General Commercial District. The area is comprised of a mix of commercial and industrial uses. The Rezoning request is an overall increase in the intensity of uses permitted on the property; however, the property is already developed with a commercial use on a different portion of the property. It is not expected that the Rezoning request will adversely affect any other part of the City.

- 4. The proposed amendment 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 facilities plan, and others.*

The City's adopted Future Land Use Plan shows that the property has been designated for commercial use. The property is currently developed with a retail store on the portions of the property already zoned for commercial use. The Rezoning request is consistent with the Future Land Use Plan. Tatanka Road is classified as a Collector Street on the City's Major Street Plan, providing access to Deadwood Avenue. Deadwood Avenue, located approximately 1,200 feet to the west, is classified as a Principal arterial street on the City's Major Street Plan, capable of handling commercial, residential, and industrial traffic. Deadwood Avenue provides immediate access to Interstate 90 and the regional transportation network. The proposed Rezoning request will create a uniform zoning classification across the property if approved in conjunction with the associated Rezoning requests. For these reasons, staff recommends the request to change the zoning on the property from General Agriculture District to General Commercial District be approved.

Notification Requirements: As of this writing, the sign has not been posted on the property. The required proof of notification mailing has not been submitted to Community Planning and Development Services. Staff will inform the Planning Commission at the June 6, 2013 Planning Commission meeting if these requirements have not been met. As of this writing, there have been no inquiries into the Rezoning request.