

## STAFF REPORT

October 10, 2002

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### **No. 02RZ057 - Rezoning from No Use District to Office Commercial District**

**ITEM 31**

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#### GENERAL INFORMATION:

PETITIONER	City of Rapid City
REQUEST	<b>No. 02RZ057 - Rezoning from No Use District to Office Commercial District</b>
EXISTING LEGAL DESCRIPTION	The E1/2 SW1/4 NW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and the SE1/4 NW1/4 NW1/4 less the following described property: Beginning at the Northwest Corner of the E1/2 SW1/4 NW1/4 of Section 3, thence N00°07'25"W, 975.94 feet; thence N89°54'07"E, 231.27 feet; thence S00°01'25"E, 976.23 feet; thence S89°58'35"W, 229.57 feet to the POINT OF BEGINNING, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 30 acres
LOCATION	East of Elk Vale Road and north of Degeest Street
EXISTING ZONING	No Use District
SURROUNDING ZONING	
North:	Limited Agriculture District (County)
South:	Limited Agriculture District (County)
East:	No Use District
West:	General Commercial District/Light Industrial District
PUBLIC UTILITIES	To be extended
DATE OF APPLICATION	09/12/2002
REPORT BY	Karen Bulman

RECOMMENDATION: Staff recommends that the rezoning from No Use Zoning District to Office Commercial Zoning District be approved in conjunction with a Planned Development Designation and the related Comprehensive Plan Amendment.

GENERAL COMMENTS: This property is located east of Elk Vale Road and north of Degeest Street. The property was annexed into the City of Rapid City effective May 15, 2002, and is currently in a No Use Zoning District. The No Use Zoning District is a temporary zoning

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designation utilized when property is annexed into the City of Rapid City, pursuant to the provisions of Section 17.26.020 of the Rapid City Municipal Code. The purpose of this application is to complete that process.

**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 was annexed into the City on May 15, 2002. All annexed lands are temporarily placed in the No Use Zoning District. The recent 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 property located to the north and south of the subject property is zoned Limited Agriculture District by Pennington County. The property to the east and west of the subject property is zoned No Use District. The Elk Vale Neighborhood Area Future Land Use Plan identifies the subject property as appropriate for Office Commercial land use(s) with a Planned Development Designation and Public land use(s). A fire station was proposed to be located on a portion of the subject property and as such was designated for Public land use. However, an alternate location for the fire station has been identified. Therefore, a companion item has been submitted to amend the Elk Vale Neighborhood Area Future Land Use Plan to change the land use on the portion of the property proposed for the Fire Station from Public land use to Office Commercial land use with a Planned Development Designation. Designating the property as Office Commercial Zoning District with a Planned Development Designation following the approval of the associated Amendment to the Comprehensive Plan would then appear to be consistent with the Elk Vale Neighborhood Area Land Use Plan and would then be the appropriate zoning district for the property.

**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 amendment would not appear to have a significant affect on any of the surrounding land uses or on public infrastructure.

**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.**

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---

A companion item has been submitted to amend the Elk Vale Neighborhood Area Future Land Use Plan for a portion of the subject property to change the land use from Public to Office Commercial with a Planned Commercial Development designation. The Elk Vale Neighborhood Area Future Land Use Plan for this area identifies the balance of the subject property as appropriate for Office Commercial land use(s) with a Planned Development Designation.

Staff has mailed certified letters to notify surrounding property owners of the proposed rezoning and has posted the required sign on this property. As of this date, staff has received no comments or objections regarding this request.

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