

STAFF REPORT

November 7, 2002

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**No. 02RZ061 - Rezoning from No Use District to General Commercial District**      **ITEM 22**

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GENERAL INFORMATION:

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|----------------------------|---|
| PETITIONER                 | City of Rapid City  |
| REQUEST                    | <b>No. 02RZ061 - Rezoning from No Use District to General Commercial District</b>   |
| EXISTING LEGAL DESCRIPTION | Parcel 4A, 4B, and 4C on the "Plat showing; Tracts 4-B & 4-C, of Parcel #4; and Tracts 4-A, C and D; of the SE1/4 NW1/4 of Section 25, T2N, R7E, BHM, Pennington County, South Dakota", as shown in Plat Book 10 Page 21; and Parcel No. 5 as shown on the "Plat for Montana-Dakota Utilities Co., a corporation with principal offices at 831 Second Avenue South, Minneapolis 2, Minnesota, showing lands in Sections 25 and 26 of T2N, R7E, BHM, Pennington County, South Dakota, acquired by Warranty Deed from Oldfield and Butterfield, Grantors, of Rapid City, South Dakota", dated January 5, 1959; and Parcel No. 8 found in Right-of-Way Book 7 Page 173, dated January 26, 1959, described as "A tract or strip of land in the North Half of the North-west Quarter (N1/2 NW1/4) of Section 25, T2N, R7E, BHM in Pennington County, South Dakota; said strip of land being Fifty (50) feet wide, Twenty Five (25) feet on each side of the following described center-line, with both sides of the strip terminating at the South boundary of the NW1/4 NW1/4 of said Section 25: Beginning at the North Quarter corner of said Section 25, thence South along the quarter line a distance of 886.5 feet to the TRUE POINT OF BEGINNING, thence South 76 degrees 15 feet West a distance of 1846.9 feet to the East-West one-sixteenth line at a point 1794 feet West of the North-South one-quarter line |
| PARCEL ACREAGE             | Approximately 3.585 acres   |
| LOCATION                   | North of US Interstate 90 and west of Haines Avenue   |
| EXISTING ZONING            | No Use District   |
| SURROUNDING ZONING         |   |
| North:                     | Low Density Residential District  |
| South:                     | General Commercial District   |

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|---------------------|-----------------------------|
| East:               | General Commercial District |
| West:               | General Commercial District |
| PUBLIC UTILITIES    | N/A                         |
| DATE OF APPLICATION | 10/10/2002                  |
| REPORT BY           | Karen Bulman                |

RECOMMENDATION: Staff recommends that the rezoning from No Use Zoning District to General Commercial Zoning District be approved in conjunction with the related Comprehensive Plan Amendment.

GENERAL COMMENTS: This property is located west of Haines and north US Interstate 90 and is the location of the Williston Basin Pipeline. The property was annexed into the City of Rapid City effective October 7, 2002, and is currently in a No Use Zoning District. The No Use Zoning District is a temporary zoning 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 October 7, 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 of the subject property is zoned Low Density Residential District. The properties located to the south, east and west of the subject property are zoned General Commercial District. The property contains the Williston Basin pipeline. There are plans to move this pipeline in connection with a Tax Increment District Plan recently approved for this area. Once that is completed, this property would then be surrounded by commercial property and would be available for development. It would appear to be appropriate to rezone this property from No Use District to a General Commercial Zoning District, which would allow the future development of this commercial area.

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- 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.**

Because of the existing zoning of the adjacent lands, this amendment should not 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.**

The Rapid City Comprehensive Plan for this area identifies the subject property and adjacent properties as appropriate for residential land use(s). A Comprehensive Plan Amendment is being submitted in conjunction with this rezoning request to change the North Rapid Neighborhood Future Land Use Plan from Residential to General Commercial land use(s). Upon approval of the Comprehensive Plan Amendment, rezoning the subject property from No Use District to General Commercial District would appear to be appropriate and would be consistent with the Land Use Plan.

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.